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ABSTRACT

Updating the findings reported in Colorado Legislative Publication No. 72, "Migratory Labor in Colorado," published in December of 1962, this 1970 staff report describes existing economic conditions of both growers and seasonal farm workers, governmental and private services available to the migrants, and some of the major migrant issues of the early 1970's. Sociocultural conditions of the migrants are also examined: the strength and disadvantagement of the migrant worker and family (4pp. of testimony presented by a psychiatrist at Harvard University); ethnic origin and languages spoken; health problems; inadequate education; the power of crew leaders and instances of its abuse; substandard housing; and major health hazards. Various programs (day-care centers, adult and child education, health and legal services, etc.) provided by public and private agencies directly concerned with meeting the needs of migrants, along with supportive Federal legislation, are discussed; however, it is noted that "in spite of these various programs and services, the seasonal farm laborers, by and large, still suffer from low wages, substandard housing, poor education and lack of adequate health services." No recommendations are offered in the report. (BO)

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Staff Report to the Colorado General Assembly

MIGRANT LABOR PROBLEMS IN THE 1970's

COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 157

November, 1970

RC005583

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* * * * * * * * *

The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

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MIGRANT LABOR PROBLEMS

IN THE 1970's

Staff Report

To The

Colorado General Assembly

Research Publication No. 157
November, 1970

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LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

November 20, 1970

To Members of the Forty-eighth Colorado General Assembly:

In accordance with a request submitted by the House Committee on Labor and Employment Relations during the 1970 legislative session, the Legislative Council submits the accompanying staff report on migrant labor problems.

The staff report simply describes existing economic conditions of both the growers and seasonal farm workers, governmental and private services available to the migrants, and some of the major migrant issues of the early 1970's. The report does not contain any recommendations.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/mp

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REP. CLARENCE QUINLAN

November 20, 1970

Representative C. P. (Doc) Lamb
Chairman
Colorado Legislative Council
Room 46, State Capitol
Denver, Colorado 80203

Dear Chairman:

The accompanying staff report updates wherever possible the research findings contained in the Migratory Labor Study of 1962. This report resulted from a request submitted by the full membership of the House Committee on Labor and Employment Relations to your staff director during the last few days of the 1970 legislative session.

I reviewed this request with the Council Executive Committee at its April Meeting and was directed to conduct the staff study if time was available. Your staff has been able to update considerable information and the results of that effort are herewith submitted for your review.

Respectfully submitted,

Lyle C. Kyle
Director

LCK/mp

FOREWORD

Pursuant to a request submitted by the House Committee on Labor and Employment Relations, the Council Staff was directed to update, wherever possible, the research findings contained in Colorado Legislative Publication No. 72, Migratory Labor in Colorado, which was published in December of 1962. Dave Morrissey, Assistant Director of the Legislative Council staff, had the primary responsibility for the research conducted, aided by Mitchel Beville, Research Associate, and Lenny Arnold, Research Assistant.

The Council staff would like to express its thanks to the representatives of the following organizations and agencies for their cooperation and assistance: Colorado Crop and Livestock Reporting Service; Colorado Migrant Council; University of Colorado Medical School; Migrant Coalition; Colorado Council of Churches; Migrant Ministry; Colorado Department of Social Services; Colorado Department of Education; Colorado Department of Labor and Employment; Colorado Department of Health; United States Immigration Service; United States Department of Health, Education and Welfare; Federal and State Offices of Economic Opportunity; Colorado Rural Legal Services, Inc.; Catholic Archdiocese Migrant Program; Catholic Charities; Catholics for a Better Society; Pueblo Diocese Migrant Program; National Council of Churches; Foundation for Urban and Neighborhood Development; Federal Migrant Task Force; Colorado 4-H Visitors Program; Great Western Sugar Co.; and Denver Research Institute.

November, 1970

Lyle C. Kyle
Director

TABLE OF CONTENTS

	Page
LETTERS OF TRANSMITTAL	iii
FOREWORD	vii
TABLE OF CONTENTS	ix
SUMMARY	xiii
MIGRANT LABOR PROBLEMS IN THE 1970's	1
AGRICULTURAL ECONOMY -- FARM RECEIPTS, INCOME, EXPENDITURES, AND WAGES	2
Hourly Wages -- Seasonal Farm Workers	5
Intermittent Employment -- Reduces Earnings	6
Colorado Minimum Wage Law -- Controversy	7
Seasonal Agricultural Labor in Colorado	8
Decline in Seasonal Workers	9
Herbicides and Mechanization	12
Attitude of Growers	13
The Migrant Worker and Family	14
Ethnic Origin	18
Health Problems	18
Education	19
Crew Leaders	20
Housing	21
SERVICES AND ASSISTANCE AVAILABLE FOR SEASONAL FARM WORKERS	23
Migrant Task Force	24
Colorado Department of Health	24
Housing Inspections	24
Migrant Dental Health Program	25
Public Health Nurses	26
Migrant Medical Program	26
Migrant Family Health Workers	27
Department of Education	28
Colorado Migrant Education Program	28
Summer Program	28
Regular Session Program	29
National Migrant Record Transfer System	29
Funding of the Migrant Education Program	29
Division of Adult Education	30

	Page
Department of Social Services	31
Food Stamp Program	31
Commodity Distribution Division, Department of Social Services	32
Commodity and Supplemental Food Programs	32
Department of Labor and Employment	33
Farm Placement Section	33
Recruitment Procedures	34
Local and Seasonal Offices	35
Record Keeping	35
Monetary Advances	35
Cooperation with Other State Agencies	35
Governor's Farm Labor Advisor Council	36
Publication of Annual Farm Labor Report	36
State Office of Economic Opportunity	36
Summary of Federal Legislation	37
Migrant Health Act	37
Sugar Act of 1948	37
Bilingual Education Act	37
Fair Labor Standards Act of 1938	38
Housing and Urban Development Act of 1968	38
Economic Opportunity Act of 1964	39
Elementary and Secondary Education Act	40
Title XIX, Social Security Act	40
Immigration and Nationality Act	41
Farm Labor Contractor Registration Act of 1963	42
Miscellaneous Private and Publicly Funded Programs	44
Colorado Migrant Council	44
Infant Education Program	44
Bilingual Pre-school Headstart	44
Adult Education	45
Health Services	45
Self-help Housing Program	45
Itinerant Multi-Service Team	46
Migrant Action Program	47
Colorado Rural Legal Services	47
Migrant Ministry	48
Catholic Archdiocese Migrant Program	49
Pueblo Diocese Migrant Program	49
Colorado 4-H Visitors Program	49
Foundation for Urban and Neighborhood Development	50
Migrant Settlement Project	50
MAJOR ISSUES FOR THE EARLY 1970's	51

Page

Activities to Organize Seasonal Farm Workers..... 51
Inclusion of Farm Labor Under NLRA and CLPA..... 53
Arguments in Favor..... 53
Arguments Against..... 53
Migrant Nonprofit Corporation..... 53
Illegal Aliens..... 54
Colorado Minimum Wage for Women and Children..... 55
Workmen's Compensation..... 55
Migrant Health..... 56
Housing..... 58
Mobile and Modular Living..... 58
Concerns Expressed by Growers..... 59
Unemployment Compensation..... 59
Federal Registration..... 60

LIST OF TABLES

I -- COMPARISION OF CASH RECEIPTS AND FARM PRODUCTION EXPENSE WITH FARM WAGES IN COLORADO..... 3

II -- STATE SUMMARY-ESTIMATED PEAK SEASONAL TOTAL OF EMPLOYMENT AND ORIGIN OF SEASONAL AGRICULTURAL WORKERS..... 10

III -- AVERAGE NUMBER OF ACRES PLANTED IN COLORADO FOR CROPS REQUIRING SEASONAL LABOR..... 11

SUMMARY

It would appear that the farm operator and the farm worker, as they enter the 1970's, are in much the same economic situation as they were in the early 1960's. Although the average gross income per farm in Colorado has increased substantially, the increase in production expense has caused net income per farm to remain fairly static. Similarly, farm wages have risen somewhat, but they are still considerably below those wages received in other industries.

In the 1960's various programs were begun by public and private agencies which were directly concerned with meeting the needs of migrants. Many of these programs became possible because of the federal funds available through Title III-B of the Economic Opportunity Act of 1964, the Migrant Health Act, and Title I of the Elementary and Secondary Education Act. The programs include day-care centers, adult and child educational courses, health and legal services, etc.

In spite of these various programs and services, the seasonal farm laborers, by and large, still suffer from low wages, substandard housing, poor education and lack of adequate health services.

The following is a listing of some items which persons interested in migrant problems may be asking the General Assembly to consider during the 1971 Session:

1) an amendment to include farm labor under the Colorado Labor Peace Act.

2) a provision which would penalize growers who hire illegal aliens.

3) the coverage of farm labor under the minimum wage laws.

4) the coverage of farm labor under Colorado's Workmen's Compensation and Occupational Disease Laws.

5) the expansion of medical assistance for seasonal farm workers and removal of any barriers to hospitalization.

6) the coverage of seasonal farm workers under Colorado's Employment Security Act.

Several innovative programs and projects have been initiated recently. The Denver Research Institute, for example, is attempting to develop new techniques in providing housing for seasonal workers. In another approach to housing, the community of Rocky Ford is attempting to develop a low cost housing project to serve both permanent and seasonal labor. The migrant settlement project begun by the Foundation for Urban and Neighborhood Development is an attempt at removing migrants from the "migrant stream" and permanently settling them in rural areas of Colorado. Another project, which is still in the planning stage, is a proposed private nonprofit corporation which would represent migrants and negotiate with individual growers for seasonal farm labor services. Theoretically, the corporation could become responsible for all expenses and responsibilities incurred in the recruitment, transportation, housing, and supervision of the migrant labor force.

MIGRANT LABOR

PROBLEMS IN THE 1970's

In 1961, the General Assembly directed the Legislative Council to appoint a committee to study the problems of migratory labor in Colorado. Similar to a multitude of other studies involving the migrant, the report of this committee emphasized that the migrant is faced with problems of inadequate earnings, housing, sanitation, educational opportunities, and health care, as well as a lack of assimilation and acceptance in communities in which he works. 1/ Specific contributing factors to these problems included:

(1) the depressed agricultural economy;

(2) the extreme mobility required of the migrant and his family;

(3) the lack of dependable work opportunities because of fluctuations in weather and labor demands, as well as a poorly organized farm labor market; and

(4) cultural differences and language barriers between the migrants and the communities in which they are providing seasonal labor.

The Committee conducting the study spent about two years in the preparation of the report, and the staff was able to spend considerable time in the field, aided by interpreters.

The purpose of this memorandum simply is to provide members of the Legislative Council with information on changes that have occurred since the early 1960's with regard to seasonal farm labor; to outline the types of supportive services being provided to migrants by federal, state, and local governments, as well as private organizations; and to list possible legislation which the General Assembly may be asked to consider in the 1971 and subsequent sessions.

1/ Migratory Labor in Colorado, Research Publication No. 72, Colorado Legislative Council.

AGRICULTURAL ECONOMY -- FARM RECEIPTS,
INCOME, EXPENDITURES, AND WAGES

Between 1960 and 1968, cash receipts from farm marketings and governmental payments in Colorado increased rather steadily from $656.6 million to $966.5 million, roughly 47.2 percent. If the decline in the number of farms is considered during this same period, the growth in such income per farm unit is much greater. For instance, there were about 37,000 farms in Colorado in 1960, compared to 31,000 in 1968. Receipts on a per farm basis thus rose from $17,745 in 1960 to $31,177 in 1968 -- a 75.7 percent increase. Although there has been a significant gain in farm receipts, farm production expense is rising at even a faster rate. On a per farm basis, farm production expense amounted to $14,437 in 1960, compared to $27,635 in 1968 -- a 91.4 percent increase. (See Table I)

Similarly, the cost of farm labor is also on the increase. First-of-all, the cost of all farm labor (permanent and seasonal) has been a rather fixed percentage of total farm expense. (See figures below.) From 1960 to 1968, farm labor costs have amounted to less than ten percent of total farm expenditures in all but one year -- 1961.

COLORADO FARM EXPENDITURES 1/

(1) Year	(2) Farm Expenditures in Millions	(3) Expenditures for Labor in Millions	(4) Percent Expenditures for Hired Labor
1960	$534.2	$52.5	9.83%
1961	566.0	58.9	10.41
1962	621.7	57.2	9.20
1963	630.9	52.5	8.32
1964	601.1	44.8	7.45
1965	676.8	44.1	6.52
1966	759.8	57.0	7.50
1967	842.4	75.2	8.93
1968	856.7	78.0	9.10

1/ Colorado Agricultural Statistics, Colorado Crop and Livestock Reporting Service.

Table I

COMPARISON OF CASH RECEIPTS AND FARM PRODUCTION EXPENSE WITH FARM WAGES IN COLORADO*

Items	Base Year 1960	Calendar Years 1961	1962	1963	1964	1965	1966	1967	1968
1) No. of Farms, Colo.	37,000	36,000	35,000	34,000	33,000	32,500	32,000	31,500	31,000
2) Colorado Cash Receipts from farm marketings & Government Payments to Farmers (millions)	$ 656.6	$ 672.3	$ 716.3	$ 714.3	$ 711.4	$ 757.7	$ 878.3	$ 929.8	$ 966.5
3) Colorado Cash Receipts and Government payments Per Farm	$17,745	$18,675	$20,465	$21,008	$21,557	$23,313	$27,446	$29,517	$31,177
4) Percent change of item 3	Base Year	5.24%	15.32%	18.38%	21.48%	31.37%	54.66%	66.33%	75.69%
5) Colorado Total Farm Production Expense (Millions)	$ 534.2	$ 566.0	$ 621.7	$ 630.9	$ 601.1	$ 676.8	$ 759.8	$ 842.4	$ 856.7
6) Colorado Total Farm Production Expense Per Farm	$14,437	$15,722	$17,762	$18,555	$18,215	$20,824	$23,743	$26,742	$27,635
7) Percent change of Item 6	Base Year	8.90%	23.03%	28.52%	26.16%	44.24%	64.45%	85.23%	91.41%
8) Colorado Average Seasonal Farm Wage Paid Per Hour	$ 1.07	$ 1.09	$ 1.14	$ 1.16	$ 1.20	$ 1.25	$ 1.28	$ 1.36	$ 1.47
9) Percent change of Item 8	Base Year	1.86%	6.54%	8.41%	12.14%	16.82%	19.62%	27.10%	37.38%
10) National Consumer Price Index	100.0	101.1	102.2	103.5	104.8	106.6	109.7	112.8	117.6

Source: Colorado Agricultural Statistics, Annual Reports Compiled by Colorado Crop and Livestock Reporting Service, U.S. Department of Agriculture. Consumer price index has been adjusted from the 1957-59 base data prepared by U.S. Department of Labor. See Survey of Current Business, published by U.S. Department of Commerce.

Secondly, the cost of total farm labor on a per farm basis has increased from $1,419 in 1960 to $2,516 in 1968 -- a 77.3 percent increase. Seasonal wages, however, have not kept pace with other farm expenditures. For instance, the average hourly wage reported in 1960 amounted to $1.07 per hour compared to $1.47 in 1968, a growth of 37.4 percent. Finally, net income per farm is increasing even at a smaller rate than hourly farm wages. 1/ Three-year averages for hourly wages, net income, and Colorado per capita income averages are illustrated below:

	Annual Average for 1960 - 1962	Annual Average for 1966 - 1968	Percent Increase
Net income per farm	$4,169	$4,978	19.4
Seasonal wages -- hourly rate	$ 1.10	$ 1.37	24.5
Colorado per capita personal income	$2,387	$3,015	26.3

In any event, net farm income and hourly wages paid to seasonal workers appear to be falling behind the growth of per capita personal income in Colorado. The step-up in inflation in the past 18 months probably means that both the farmer and the seasonal agricultural worker (both with a minimum of bargaining power) may be even further behind the rest of the economy.

The problem of a depressed farm economy is a national one. Both farm operators and farm workers are far below other categories of industry for remuneration received. The 1969 report of a Congressional Subcommittee on Migratory Labor lists the following average hourly earnings for selected industries: 2/

1/ Colorado Agricultural Statistics, Colorado Crop and Livestock Reporting Service.
2/ The Migratory Farm Labor Problem in the United States, U.S. Senate, Report No. 9, p. 52.

National
Average Hourly Earnings for
Selected Industries

	1967	Percent of Agric. Earn.	1968	Percent of Agric. Earn.
Contract Cons.	$4.09	307.5%	$4.49	318.4%
Mining	3.20	240.6	3.31	234.8
Manufacturing	2.83	212.8	3.05	216.3
Lumber & Wood Products	2.38	178.9	2.62	185.8
Canning	2.21	166.2	2.38	168.8
Apparel and Related Prod.	2.03	152.6	2.26	160.3
Laundries	1.73	130.1	1.91	135.5
Agriculture	1.33	---	1.41	---

The average income of the 3,000,000 farm operators in the nation is also below that of other non-farm workers. 1/

Hourly Wages -- Seasonal Farm Workers

The hourly wages reported by the Crop and Livestock Reporting Service are averages. In individual instances, migrants employed on a piece rate basis may make far less than average hourly rates. In a report prepared by Salud y Justica, a hypothetical example of how lower wages than that required by federal law can be paid was given:

"In the hoeing of sugar beets, there are two processes. The first process is called weeding and thinning and the second is known as the second hoeing. Traditionally, a family is employed to do both hoeings.

"For the first hoeing the family was paid $16.50 an acre - that figure being the minimum wage for sugar beets. The weeds were rather high and close to the beets and the workers were forced to weed with their hands as well as hoes. Each worker was only able to weed and thin one-half acre during a fourteen hour day, averaging about sixty-eight cents an hour in wages. Family A weeded the field very carefully the first time, so they could accomplish the second hoeing, at $10.50 per acre, at the rate of two or three acres per day.

1/ Farm Labor in a Changing Agriculture, Senate Hearings on H.R. 10509, 90th Congress.

"When it came time for the second hoeing, the farmer informed the family that they would have to take $1.75 per hour or leave..." 1/

Under the Sugar Act, minimum wages are established for seasonal farm labor, but the farmer has the option of paying either the hourly rate or a piece rate. 2/ Theoretically, workers also are protected by the minimum wage provisions under the Fair Labor Standards Act. The Act was amended in 1966 to apply to farms using more than 500 man-days of agricultural labor. The hourly minimum does not apply if an employee is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been paid on a piece rate basis in the region of employment. 3/ Thus the act only applies to the largest farm operations. For 1969, the federal minimum is $1.30 per hour.

Intermittent Employment -- Reduces Earnings

The hourly rate for seasonal workers does not reflect the entire income picture of migrant workers. Migratory workers are plagued with intermittent employment. Also, hourly wages do not include housing, travel expenses, insurance, and other benefits provided by growers or recruiters such as Great Western Sugar Company. "The average migratory worker was employed for only 85 days of farmwork in 1967...about two-fifths of migrants did nonfarm work...migrants combining farmwork with nonfarmwork averaged 168 days of paid employment during the year (approximately 8 1/2 months of work); about two-fifths of these days represented farmwork. The average migrant who did only farmwork reported 138 work days (about 7 months)." 4/

1/ Salud y Justica was an emergency Food and Medical Program funded by the Office of Economic Opportunity for a three-month period commencing in June of 1970. The grant was made to the University of Colorado, which in turn delegated administration to the Center for Labor Education and Research.

2/ The regulations promulgated under the Sugar Act of 1948, as amended, 7 U.S.C. 1131 et seq., provide for a minimum hourly rate of $1.75 per hour. For fourteen and fifteen-year-olds the rate may be reduced to $1.48 3/4 -- a 15 percent reduction. Employees also may be paid on a piece rate per acre: thinning (hoe only) $12.75; hoeing $16.50; hoe-trimming (removing weeds with a hoe and by hand and removing excess beets with a hoe) $20.00; and weeding (removing weeds with a hoe by hand, following steps above, $10.50.

3/ Fair Labor Standards Act of 1938, as amended, 29 U.S. C. 201 et seq.

4/ Op. cit., The Migratory Farm Labor Problem in the United States, p. 53.

The Migrant Council estimates that out of 108 possible work days involved in the growing season in Colorado, it has been found that generally, the migrant worker is able to find employment for only 16 of those days. 1/

Colorado Minimum Wage Law -- Controversy

Colorado's minimum wage law applies to women and children only. The director of the Division of Labor (Department of Labor and Employment) is authorized to establish minimum wages for women and children under Chapter 80, Article 7, C.R.S. 1963, as amended. A question exists as to whether Colorado's minimum wage law applies to agricultural employment.

In October of 1969, 52 Hispano farm laborers petitioned the Director of the Division of Labor to hold hearings to determine a minimum wage for agriculture. The Director refused the petition on the grounds that the state minimum wage law applies to non-agricultural workers only.

On March 20, 1970, the Attorney General, in response to a letter by the Director of the Division of Labor, issued the following opinion:

> Conclusion: It is my opinion that the Director of Labor does not have authority under 80-7-4, C.R.S. 1963, to investigate the wages and working conditions of women and minor employees engaged in farm labor because of the restrictions contained in 80-1-3 (4) (d) which exempts employers of farm and ranch labor from the provisions of Chapter 80, C.R.S. 1963. 2/

Subsequently, a petition was filed before a county district court by the Hispano group seeking to enjoin the Director of the Division of Labor from refusing to proceed with the hearings. The court ruled that the Colorado minimum wage law applies "with equal force to agricultural and non-agricultural labor-

1/ Colorado Migrant Council Prospectus, p. 62.
2/ Colorado Attorney General's Opinion No. 70-4435, p. 1.

ers." 1/ The Director of the Division of Labor is appealing the decision to the Colorado Supreme Court.

Seasonal Agriculture Labor in Colorado

There simply is no accurate count available of the number of families deriving some of their annual income from seasonal agricultural labor in Colorado. The Migrant Council staff estimates 60,000 persons were involved in the migrant stream in Colorado in 1969. The U. S. Senate Subcommittee Report on Migratory Labor estimates a total of over 19,000 workers and members of their families involved in seasonal agricultural labor in Colorado. The Annual Progress Report of the State Migrant Health Program, 1968-69, contains a total estimated migrant population of 26,545 for Colorado. Finally, the Annual Farm Labor Report shows that in June of 1969, a little over 13,000 workers were involved in seasonal labor and more than 8,000 workers came into Colorado from another state. Similarly, the study committee in the early 1960's was unable to develop accurate data on the number of seasonal farm workers in Colorado.

Although there is general agreement that the figures contained in the Annual Farm Labor Report of the Division of Employment do not give a true picture of the number of persons involved in the migrant stream, the yearly changes contained in this report provide a relative basis for comparison of the scope of such employment. Although there has been close to a 40 percent decline in the total number of persons involved in seasonal agricultural employment since 1960, there has been a substantial increase in the number of migrant workers coming to Colorado from other states -- Texas for the most part.

Who performs seasonal agricultural labor in Colorado? Basically, there are four categories of workers:

(1) the grower and his family;

(2) local field hands;

(3) so-called "drift-ins", or migrants who are not involved in any organized recruiting, such as that conducted by the State Department of Employment and Sugar companies; and

---

1/ Nuez v. Shaffer, Civil Action No. 20233, District Court, County of Adams, p. 4.

(4) workers who have been recruited from outside of Colorado.

In the early 1960's, Mexican Nationals (Braceros) were employed in Colorado. In June of 1960, there were about 6,500 Braceros working in Colorado. The figure dropped to 4,300 in June of 1964, the final year of the program. Since 1964, there has been a ten-fold increase in the number of illegal alien entrants taken into custody in Colorado. The vast majority of these entrants are Mexican Nationals. This increase has occurred during a period of time in which the staff of the U. S. Immigration Service has remained relatively constant. In any event, large numbers of illegal aliens appear to be employed in seasonal farm labor in Colorado.

Fiscal Year	Illegal Alien Entries Actually Located in Colorado 1/
1962-63	236
63-64	330
64-65	358
65-66	505
66-67	1,228
67-68	1,162
68-69	2,108
69-70	3,537

Table II points out that there has been a substantial increase in the recruitment of workers from other states since 1960 -- 48.2 percent. At the same time, the use of local farm hands in seasonal agricultural employment has declined by about the same percentage. The number of intrastate migrants has remained stable throughout the 1960's. For the most part, these workers are Indians from Southern Colorado.

Decline in Seasonal Workers

The decline in the number of seasonal farm workers in the past ten years is due to a number of factors. One item is the change in the number of acres planted in crops which require large amounts of seasonal labor. Table III lists the acreages planted for various crops in which there is a substantial labor factor. With the exception of sugar beets and cucumbers, there has been a decline in the number of acres planted for these crops when the first three years of the 1960's are compared to the last three years.

1/ U.S. Immigration and Naturalization Service.

Table II

STATE SUMMARY-ESTIMATED PEAK SEASONAL TOTALS OF EMPLOYMENT
AND ORIGIN OF SEASONAL AGRICULTURAL WORKERS 1/

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Local		Intrastate	Interstate				
	No.	Percent Change	No.	No.	Percent Change	Foreign	Total	Percent Change
June 1960	8,037	Base	783	5,410	Base	6,539	20,769	Base
August 1961	8,708	+ 8.34%	2,334	6,687	23.60%	3,793	21,522	3.62%
(June 1961)	(7,792)	(- 3.05)	(1,245)	(5,162)	(- 4.59)	(6,237)	(20,436)	(- 1.61)
August 1962	9,638	+19.92	2,035	6,571	21.46	3,279	21,523	3.63
(June 1962)	(6,560)	(-18.38)	(947)	(4,280)	(- 20.89)	(6,194)	(17,981)	(-13.43)
June 1963	5,231	-34.92	845	4,065	- 24.87	6,551	16,692	-19.64
June 1964	6,286	-21.79	826	4,399	- 18.69	4,389	15,900	-23.45
June 1965	6,220	-22.61	816	7,981	47.52	---	15,017	-27.70
June 1966	5,501	-31.56	657	8,298	53.38	---	14,456	-30.40
June 1967	4,350	-45.88	607	8,067	49.11	---	13,024	-37.30
June 1968	4,458	-44.54	600	7,254	34.08	---	12,312	-40.72
June 1969	4,230	-47.37	785	8,017	48.18	---	13,032	-37.30

1/ Source: Annual Farm Labor Reports, Colorado Department of Labor and Employment. Peak periods occured in June for each year except for 1961 and 1962.

Table III

AVERAGE NUMBER OF ACRES PLANTED IN COLORADO
FOR CROPS REQUIRING SEASONAL LABOR 1/

(1)	(2) Years 1960, 61, 62	(3) Years 1967, 68,69	(4) Percent Change
Broom Corn	N/A	N/A	N/A
Dry Beans	240,666	215,666	(-10.39%)
Potatoes	59,600	49,766	(-16.50)
Sugar Beets	170,833	173,300	1.44
Cabbage	2,666	2,400	(- 9.98)
Cantaloups	3,133	2,766	(-11.72)
Carrots	1,700	1,333	(-21.59)
Cucumbers	2,033	3,033	49.18
Lettuce	6,900	5,200	(-24.64)
Onions	9,500	6,266	(-34.05)
Spinach	2,600	1,266	(-51.31)
Tomatoes for Mfg.	3,066	1,400	(-54.34)
Tomatoes for Market	1,000	616	(-38.40)

1/ Colorado Agricultural Statistics, Colorado Crop and Livestock Reporting Service.

The Great Western Sugar Company reports that it is faced with a problem of keeping its plants in Northeastern Colorado in operation because of the decline in sugar beet production in this area. Urbanization is increasing between Denver and Fort Collins, as well as east to Greeley. Also there has been a substantial growth in feed lots. Needless to say these activities are removing large acres of land from sugar beet production. In Kit Carson County, on the other hand, deep wells have enabled large amounts of land to be irrigated and farmers in this area are rapidly expanding into sugar beet activities. The sugar companies are active in encouraging farmers to keep their lands in beet production. For a drop in sugar beet production often means obsolescence for the processing plant serving the area. This is one reason the sugar companies are actively engaged in recruiting workers for the growers. In fact, Great Western does all of its own recruiting; 1967 was the last year that Great Western utilized the services of the Colorado Emp oyment Division. In 1969, Great Western recruited 19,000 workers to handle approximately 400,000 acres of sugar beets under contract to the company in an 11-state area.

The involvement of the sugar companies in the operations of the sugar beet grower resulted in a conclusion "Salud y Justica", a report prepared under a grant by the Office of Economic Opportunity, that "The sugar company runs the farm." In part the report states that:

> The sugar company approves the sugar beet seed that is planted; tells the farmer when to plant, how to cultivate, how much to pay workers who will work for him, when to withhold pay, and the farmer can only sell to that sugar company. The sugar company runs the farm.
>
> Only the ingenuity of law could say that it is the farmer, not the sugar company, who is the worker's employer.

Herbicides and Mechanization. Improved agricultural techniques involving the use of herbicides and mechanization forecast a continued reduction in the use of seasonal farm labor.

"In some areas, the mechanized handling of high labor using crops is an accomplished fact. For example, Colorado as late as 1963 was still utilizing seasonal farm labor in its green bean hand picking operation. In 1964, the green bean crop was completely mechanized. In number of workers displaced, this amounted to approximately 1500 workers per day for an approximate period of forty days of picking.

"The mechanical harvesting of potatoes continues to increase, especially in the San Luis Valley where various types of machines are used including those that automatically sort out

rocks and clods from the potatoes. These machines are known as specific gravity machines. During the last 5 years, increased mechanization in this crop activity has resulted in the displacement of many workers in the San Luis Valley. In 1965 - approximately 3,000 workers were used in this harvest activity, while in 1969, approximately 950 workers were employed."

It is estimated that four times as many workers, are employed in sugar beet production as in any other crop. Some producers in the area of sugar beet production are not optomistic that electronic thinning and herbicides will be improved to the degree that the major part of seasonal farm labor will be eliminated in the foreseeable future. 1/ On the other hand, Nick Pacheco, Farm Placement Division, Division of Employment, reports that in his recruiting workers for pre-harvest work in sugar beets he has found that in the early 1960's one worker would be recruited for every ten acres; today, one worker is recruited for every twenty acres.

"The uneveness of the progress of mechanization makes more difficult the scheduling of successive seasonal farm jobs for farm workers. It also makes finding the workers for the growers and processors at the time of need, more difficult. Estimates of future seasonal farm labor requirements, are of necessity, based on two factors: (1) is the ability and the availability of machines to do the job; and (2) the extent to which the machines are likely to be used. The transition from hand to machine preharvest and harvest methods will probably extend for several more years. As mechanization and the effectiveness of chemicals improve, their use by growers and processors will be expanded, shortening the time necessary to complete preharvest and harvest activities of some crops. In the meantime, the recruitment of farm labor will continue to be of paramount importance for those crop activities for which machines are still in the experimental state or are nonexistent."

Attitude of Growers. Growers contacted generally believe that electronic thinning devices and the use of chemicals to reduce weeds would eventually replace much of the migratory farm labor coming to Colorado. Growers estimated that this labor could be displaced in the 1970's. Persons familiar with migratory labor issues believe that social ferment is a factor in speeding up the use of mechanical devices and herbicides to reduce the need for labor. The larger farms are in a better economic position to

1/ The Migrant Farm Worker in Colorado - The Life and the Law, Jonathon B. Chase, University of Colorado Law Review, 1967, pp. 63, 64.

mechanize, while there appears to be a tendency on the part of the smaller growers to change crops.

The Migrant Worker and Family

...there is no comparing the unstable, disorganized social life of migrants with that of the large majority of Americans. They are separated from us by their hand-to-mouth existence, their migratory habits which deprive them from intimacy with any solid residential condition and, in the case of the majority of them,...by their racial handicaps in our country.

On the basis of my observations I would first emphasize the isolation that specially characterizes migrant farm life.

The extreme poverty, the cultural deprivation and social fragmentation, in sum the uprootedness which characterizes their lives, falls not suddenly upon them (as it does upon the observer who tries to comprehend their manner of survival) but is a constant fact of life from birth to death, summoning, therefore, a whole style of life, a full range of adaptive maneuvers.

In order to adapt to such unusual facts of environment, migrants turn their isolated, mobile, life inward, becoming guarded and suspicious toward outsiders but, in compensation for a rootless life, exceptionally close-knit with their young children. They tend to be unusually warm and stimulating with their infants, and rather lax about disciplining them. They so treat them that there appears to be significantly less hostility among the children; in contrast, hostility and suspicion are channeled toward other families as well as the world in general, which is seen as unfriendly and punitive...

Moreover, migrant children progressively learn a sense of their own weakness and inadequacy in comparison with the rest of the population, whose existence they comprehend and see from the distance of the traveler or television viewer. Their drawings and their play in games as well as their words indicate that they see themselves as smaller, less able to make decisions affecting their own lives and, for some reason not clearly understood by them,

stained, crippled, or paralyzed. For that matter migrant children do not have the cultural accompaniment to physiological adolescence that we call "youth." They go directly into adulthood, with its work, marriage, and parenthood, in their early teens.

What we see in migrant children, to some extent as a result of this, is a preservation over the generations of a certain soundness of mind, self-confidence and self-esteem in one set of circumstances, in company with a rigid, anxious, fearful way of engaging with another set of circumstances. Thus, there is little to no childhood schizophrenia in migrant children, very few of the temper tantrums and bed-wetting complaints commonly seen in middle-class child guidance clinics. There are few if any specific "learning problems," again so frequently seen in those clinics, because the entire culture of the migrants has a "learning problem" built into its whole way of life, work taking precedence over residence, let alone schooling, and parents, basically tired and illiterate, having no capacity to stimulate a taste for education in their young.

On the whole, these children at 5 or 6 seem cheerful, spontaneous, affectionate to one another, and relaxed, in spite of their frequently poor physical health and the comparatively hard life they and their parents must live. There are positive forces at work in their family life that give them initial psychological strength to face the world.

At 10 to 12 the children start becoming adults physiologically; many of them have already been working for several seasons. It is not long before they are marrying and having children. Brides of 14 and 15 are common, and their husbands are likely to be the same age or not very much older.

Migrant children become migrant adults with no ceremony, or time to be not quite either, so as to consolidate the one before taking up the other. There are two elements that mark the beginning of adulthood in the migrant, and, when both are fulfilled, he or she is an adult and so treated by parents, brothers and sisters, and neighbors. These are experienced in working the fields and the onset of puberty.

Married and parents, workers and housekeepers, young migrant men and women (at 16 or 18, for example) have their "platter parties" when they can join record machine with a source of electricity. On their way to work at 6 in the morning they can be seen literally dancing in the streets or pathways, often with a beer or two before they get on the buses which take them to the fields.

Finally, I noticed a gradual change in mood or spirit in youthful migrants. At 20, at 22, they are full-fledged adults; we would call them "older" migrants. They have lost much of their interest in the possibilities of another kind of life; they often move about by themselves, no longer attached to their families, and little interested in seeing and visiting them even when near them or migrating with them; they are caring for their own children; they have settled into the curious combination of industry and initiative (needed to keep moving over such distances, to keep working at such back-breaking work) and lethargy and despair (reflected in their faces, their gestures, their way of slow movement, flattened speech, infrequent merrymaking)...

What is the psychological effect of living the migrant life in a land where others seem well able to live a more settled and comfortable one? There is a tendency to feel not only weak and hard pressed but responsible for that fate.

Particularly unfortunate is such self-accusation when, in point of fact, these migrant families are willing to move about so far and wide, working so hard. Many poor are now called "unemployables," and many others rely upon welfare payments to keep them from hunger until jobs are more plentiful. Migrant farmers try to work, often go far to work. What psychological insistence makes them travel to work, rather than to a city to go on relief, cannot be described by any one generalization. The explanation rests in a combination of such factors as fear of the city, a genuine attachment to the land, a sometime enjoyment of movement, a depression that sets in for many of them when they do stop traveling and working, and a fear of that depression.

In a way, the issue is social and economic, not psychological: the American farmhands I have studied and observed are motivated toward work, want to work, and will work. Other workers may well be preferred by farmowners, but psychiatric observations do not

support many of the claims frequently made about the "laziness" of farmhands. On the contrary, most of these people display an initiative and desire for work in striking constrast to their poor brethren in cities, many of whom are unemployed and on relief, some of whom are unable to work, and some eventually uninterested in looking for any possibility of work. Migrant farmworkers, almost by definition, show a remarkable capacity and desire to travel far and wide in search of work....they cannot even take a rural shack or ghetto tenement for granted. They fall under no one's jurisdiction. They move along our rural backroads, out of everyone's sight and mind -- until an accident of one kind or another makes their presence "news." They are rootless, and for that reason sadder and more desperate than the sharecroppers I've studied or the mountain people of Appalachia. Everything is at once strange to them and familiar. In the words of one migrant: "We go everywhere and we don't belong nowhere."

It is rather obvious that migrants live demeaned, undignified and impoverished lives, as do many poor people in our rural areas or our cities. I would emphasize here that they are also very much different from any other group of American citizens, because they lack a place of residence -- with all that goes with membership in a community -- and ironically, they give up that rather ultimate possession in order to seek out and find work. It is rather incredible that such stubborn jobseekers have to go to such lengths for a dollar, and indeed are willing to do so. I believe they would work even harder if they didn't have to travel; and I believe their ranks would be filled by many others, who want to work but cannot -- some have tried for a while -- survive "life on the road." The man who used that expression added something that makes the best summary possible of my findings: "Life on the road is no life. You're near dead, moving here and there." Still, he persists. I am not so sure that his Government -- with respect to its actions in behalf of him and others like him -- can match his persistance. 1/

1/ The 1969 Report of the Committee on Labor and Public Welfare, U.S. Senate Report No. 91-83, p. 13, Testimony presented by Dr. Robert Coles, psychiatrist, Harvard University.

Ethnic Origin

Spanish Americans from Texas make up the vast majority of migrants coming into Colorado from out of state. The Migrant Council conducted interviews with 1,863 interstate migrant families between June of 1967 and September of 1969. Roughly 75.3 percent of those families, in which their home base could be identified, came from Texas; New Mexico accounted for 10.7 percent; Arizona 4.8 percent, and 1.73 percent were from Mexico. Rough estimates made by the Colorado Employment Service and sugar company officials suggest that 85 to 90 percent of interstate migrants are from Texas.

A data run from the Migrant Council Survey, listing the language spoken by migrant adults, revealed that 85 percent of the adults wore Spanish speaking; about 61.9 percent spoke both English and Spanish and 23.1 percent spoke Spanish only. A survey of children revealed that 82.5 percent were Spanish speaking; 62.7 percent spoke both English and Spanish, while 19.8 percent spoke Spanish only. Interestingly, while 6.4 percent of adults spoke English only, the figure for children was greater with 9.7 percent speaking English only. The remaining languages identified were either Indian or both English and Indian -- Adults speaking Indian, 3.2 percent; both Indian and English, 5.5 percent; children speaking Indian 3.3 percent; and English and Indian, 4.5 percent.

Health Problems

In May and June of 1969, 300 Mexican-American children were studied for medical and nutritional problems in Colorado. Sociological data was available on the families of about one-half of the children, indicating that the study represented a typical cross section of the Colorado migrant agricultural population, based upon data collected in surveys conducted by the Migrant Council. The study revealed a general lack of medical care available to expectant mothers and following delivery, contributing to a high infant mortality rate of 63 per 1,000 live births. In part, the study states: 1/

> "...The high infant mortality may, in part, be due to the lack of hospital delivery of newborn infants, most of whom would be considered "high risk" because of lack of prenatal care, the poor housing and sani-

1/ Nutritional Status of Preschool Mexican - American Migrant Farm Children, H. Peter Chase, M.D., University of Colorado Medical Center.

tation, inadequate nutrition, and the need to travel with a small infant. ..."

A few other observations made in the study include: 1/

(1) The low vitamin A levels correlated statistically with an increased incidence of skin infections and upper respiratory tract infections...

(2) ... An increased incidence of measles was found in the medical history among children with low vitamin A levels suggesting that improvement of nutritional status may reduce the incidence of measles. In undernourished populations, measles is known to be associated with a high mortality rate.

(3) It appears that the low height attainment in our children was the result of generalized under nutrition, including protein and vitamins, rather than being on a genetic basis. The decreased stature may also be related to poor prenatal nutrition.

Education

A 1969 study of migrants in the Yakima Valley in Washington revealed some interesting statistical information concerning the education of migrant children that probably is relevant to Colorado. The report states in part:

> Children of farm workers attend school less than others, and children of Mexican-American farm workers attend school the least of all, and are less educated than others. Reasons reported for inadequate education of migrant children include sporadic attendance, problems resulting from multiple school enrollment, late entrance and early drop-out, language problems, employment of children to supplement family income, and lack of transportation. The average migrant child in Washington in 1966 attended school only 21 weeks out of a 36-week

1/ Nutritional Status of Preschool Mexican - American Migrant Farm Children, H. Peter Chase, M.D., University of Colorado Medical Center.

school year. Mexican-American children among that group attended school on the average only 17 weeks, less than half the school year. In 1966 nearly 10% of migrant children under ten years, and more than half of the boys between ten and fifteen years, worked in agriculture, in the State of Washington. In 1966 in Washington 34% of the Mexican-American migrant children, but only 15% of the Anglo migrant children, missed school because of travel, while 7% of the Mexican-American migrant children, but only "a negligible number" of Anglo migrant children, missed school because they were doing farm work. Median years of education for adults in the State of Washington was 12.1 years, but only 10.0 for adult Anglo migrants, 5.4 for adult Mexican-American migrants, and 4.2 years for Mexican-American heads of families who had come to Washington from elsewhere and settled out of the migrant stream. About two-thirds of the Mexican-American migrants in Washington had some difficulty in reading and speaking English. 1/

The Migrant Council's survey of migrant adults also revealed statistical information on the number of school years completed by migrant adults. According to the survey, over half (57 percent) of the adults responding to the question of education reported an eight grade education or less.

Crew Leaders

The crew leader or farm labor contractor is an important figure in the life of the migrant family.

As the middleman between the grower and the worker, the crew leader is responsible for recruiting, hiring, transporting the worker to the farm. He arranges for housing, makes loans, and pays the migrant. One writer, Willard Heaps, classifies the crew leader as "...a combination of policeman, father, banker, and boss. In the fields he oversees the workers but does no work himself. He often becomes a disciplinarian as well as a helpful advisor." 2/

1/ Migrant and Seasonal Farmworker Powerlessness, Committee on Labor and Public Welfare, U.S. Senate, Part I, p. 238.

2/ Willard A. Heaps, Wandering Worker, (New York: Crown Publishers, Inc., 1968), p. 96.

Several sources have indicated, however, that in some instances crew leaders are less than honest in dealing with their crews. For instance, the grower may pay the crew leader a certain amount for each member of the crew, the crew leader, however, may withhold part of this payment as a commission for himself. In other cases crew leaders have deducted social security from the workers' wages whether or not the workers made the minimum amount and often fail to note the workers social security number. When workers need advances in their pay, which they often do, the crew leader may lend money at exhorbitant interest rates. 1/

In a recent decision, U.S. District Court Judge William E. Doyle ruled that migrants working in sugar beets must receive their pay directly from the grower. This decision apparently puts an end to the long standing practice of paying migrants through the labor contractor. 2/

Housing

Bill Taylor, Senior Sanitarian, Migrant Health Section, Colorado Department of Health, estimates that about one-half of the on-farm housing utilized by migrants in Colorado is substandard. Furthermore, nearly 25 percent of the on-farm housing has major health hazards involving such problems as inadequate water and sanitation. A major health hazard, according to Taylor, means that the facility is unfit for human habitation.

Salud y Justica cited a number of examples of inadequate housing inspected by their team members. Three facilities did not have any water supply at all, while two other facilities which had been ordered closed by the Department of Health were still in use. Altogether 50 facilities were examined. Overcrowding seems to be a contributing factor to the problem of inadequate housing. In several instances, Salud y Justica, reported that there were more than 30 persons utilizing a single toilet. The problem of sanitation also extends into fields in which the migrant must work. Few farms provide sanitary facilities in the fields. 3/

1/ Salud y Justica Report and Willard Heaps, Wandering Worker, pp. 99-100.
2/ Civil Action No. C-1617, In the United States District Court for the District of Colorado, July 1970.
3/ Report of Salud y Justica, p. 39.

SERVICES AND ASSISTANCE AVAILABLE FOR SEASONAL FARM WORKERS

Federal, state, and county governments, as well as private organizations are providing various kinds of services to seasonal farm workers in Colorado. In 1970, a migrant coalition was formed in order that organizations, governmental agencies, and individuals could better focus on the conditions of seasonal agricultural workers and their families. The following list of coalition members provides an immediate summary of governmental and private programs offering various services to the migrant:

University of Colorado Medical School
Colorado Migrant Council
Colorado Council of Churches
Catholic Archdiocese Migrant Program
CAMP - St. Augustine Convent

Colorado Civil Rights Commission
Colorado Department of Education
Colorado Department of Labor and Employment
Colorado Department of Health
Colorado Department of Social Services

Office of Comprehensive Health Planning
Colorado Office of Economic Opportunity
Colorado Extension Service
U.S. Agricultural Stabilization and Conservation Service
U.S. Farmers Home Administration

U.S. Immigration Service
Social Security, H.E.W.
U.S. Department of Agriculture, Food Stamp
Colorado-Wyoming Regional Medical Program
Farm Labor Task Force

League of Women Voters of Colorado
Latin American Research and Service Agency (LARASA)
Colorado Nurses' Association
Colorado Rural Legal Services, Inc.
University of Colorado School of Law

Tri-County District Health Department
Catholic Charities
Weld County Health Department
Foundation for Urban & Neighborhood Development
Catholics for Better Society

United Mexican-American Students (UMAS)
American G. I. Forum
Colorado State Grange

Mexican-American Legal Defense Fund
Governor's Office
JFK Child Development Center
Pueblo Diocese Migrant Program

Rocky Mountain Farmers Union
National Farmers Union
Colorado Labor Council
National Council of Churches

Migrant Task Force

Several representatives of federal agencies from the Departments of Agriculture; Housing and Urban Development; Labor; Health, Education, and Welfare; and the Office of Economic Opportunity also have formed a "Migrant Task Force". The purpose of the Task Force is to coordinate federal agencies in their efforts in migrant problems. In addition, the Migrant Task Force is assisting in the establishment of the non-profit corporation described on page 53.

Colorado Department of Health

Housing Inspections

The Migrant Health Section of the Department of Health maintains a migrant housing inspection program. Similar to other services provided by this section, the staff salaries for the two inspectors are paid from federal funds. The inspection program has been curtailed in comparison with past years because no state funds have been made available and the federal government has chosen to use its funds for the provision of direct health services for seasonal farm workers rather than sanitary inspections. The Health Department is charged with responsibility for certifying housing for migrants recruited in Texas by the State Employment Service. Such certification is not required for farm workers recruited from other states by the sugar companies and individual crew leaders.

In the event deficiencies are found in the course of an inspection, and the housing is still in use after the department has attempted to improve the situation through conference, conciliation, and persuasion with the owner of the property, cease and desist orders are issued. About 30 cease and desist orders are issued annually. Unfortunately, the issuance of cease and desist orders does not mean that the housing for migrants will be improved. Buildings may simply be vacated, torn down, and, in some instances, even used for housing despite the orders.

The Rocky Mountain News reported that 25 cease and desist orders issued in 1970 have proved virtually worthless. Three reasons were cited: 1) absentee landowners pose an enforcement problem; 2) district attorneys are reported to be unwilling to cooperate in the filing of injunctions; and 3) in all but one case, the department has not asked the district attorneys to enforce the orders. 1/

Migrant Dental Health Program

The Migrant Dental Health Program provides dental health education and dental treatment for the migrant laborers and their families. The program is funded by the United States Public Health Service (PHS) under the Migrant Health Act. From January 1, 1970 to January 1, 1971, the Dental Health Program will receive $181,000 from PHS. The program also receives each year some money ($11,000 for 1970) from other organizations and institutions which have migrant programs, e.g., the Colorado Migrant Council has contributed $4,200. In 1970, an estimated 2,500 migrants received dental education and treatment. The dental health program is primarily aimed at migrant children through the schools. School attendance facilitates dental care. The dental health program attempts to reach adults by providing evening dental health sessions and through "Sunday Family Health Clinics".

One dental hygienist is employed full time by the Department of Health to run the program. During the summer, another dental hygienist is employed to the extent allowed by funds (six weeks in 1970). The dental hygienist spends time in each migrant school and conducts a dental inspection on every child. Based upon the examinations, children in need of dental care are authorized for treatment. Local community dentists are contacted by the dental hygienist and are asked to provide dental care, inform volunteer drivers of necessary return appointments for those receiving care, and return authorization forms to the dental hygienist upon completion of treatment. Dentists are paid a fee for services performed.

The dental hygienists provide dental materials, such as tooth brushes, tooth pastes, etc.; arrange dental treatment times; conduct dental health educational programs in the schools; provide dental health educational materials for teachers; and arrange transportation for migrant children to the dentist's offices.

1/ Rocky Mountain News, Oct. 21, 1970, p. 8.

Dental health education includes the instruction of dental hygiene -- demonstrations on how to brush teeth, instruction on effects of tooth decay, etc. In conjunction with this effort, the dental hygienist has published and distributes a dental health guide, "Dental Health Education in Migrant Schools." The health guide is written in Spanish and English.

Prior to the beginning of each migrant summer school, the dental hygienist visits each area. At this time contact is made with the school principal, local health department, public health nurse, local dentists, and volunteer groups to explain the dental program and coordinate activities in the area.

Public Health Nurses. Public health and migrant school nurses serve as liaison between the dental hygienist and community groups. Thus, public health nurses participate in initial contact with school personnel and volunteer groups to arrange for the dental program, refer the dental hygienist to any migrants (including adults) who need dental care, and inform dental hygienists of local problems.

Since the majority of the migrant dental programs are conducted in the schools, the principal's assistance is vital. The principal allocates physical facilities, provides lists of children, arranges volunteer transportation to dentists' offices, contacts the dental hygienist when new students enroll, etc. Individual teachers also are responsible for continuing the dental health educational activities begun by the dental hygienist. The teachers conduct brushing sessions with the children after breakfast and lunch each day, as well as dental hygiene classes using the dental guide published by the Department.

The Colorado Department of Education, Migrant Education Program, hires "Family Contact People", to provide liaison services between the dental hygienist and the migrant population. Some family contact people are bilingual and are able to: inform the migrant laborers and their families about the dental program, refer migrants to the dental hygienist, etc. This part of the dental program is funded under Title I of the federal Elementary and Secondary Education Act.

Migrant Medical Program

The Department of Health provides some medical services for migrants. One full-time nurse coordinates the "Migrant Nursing Program". In addition, the Department employs one full-time public health nurse for the North-Central Region -- Counties of Adams, Boulder, Larimer, and Weld. Seasonally three other nurses are hired for the North-Central Region. Also during the season, one nurse is hired in each of the following areas: San Luis Valley, Arkansas Valley, North East Region (Sterling - Julesburg), and Delta.

Nurses examine migrant children and refer them for treatment. Doctors are reimbursed by the Department. In fiscal 1970, the Department spent $22,969 for medical services and $7,000 for prescriptions for migrants. All of these funds, plus the funds for hiring nurses are federal monies allocated under the Migrant Health Act. Contributions of $1,000 from a church facilitated the Department's program.

The migrant medical program relies on the cooperation of several groups. Colorado General Hospital, in connection with the University of Colorado Medical School, supplies some physicians for service. In 1970, a Sunday Family Health clinic program was established which used volunteer doctors in four areas: Burlington, Sterling, Del Norte, and Brighton. Medical referrals to the program were made by the Colorado Department of Health's nurses, nurses of the Colorado Migrant Council, and health "outreach" personnel. The Department of Health was able to use eight Migrant Action Program work-study students and two VISTAS as health out-reach workers. Such workers are used to make referrals, to enable the migrant to understand the importance of proper health care, etc. The Department expended monies only for the travel of these persons, their salaries are paid through federal work-study and VISTA funds.

Migrant Family Health Workers

The six migrant public health nurses and the one full time home economist of the Department cannot keep up with the entire migrant population. To help fill this void, migrants or former migrants have been recruited to provide expanded health and "homeliving" services to seasonal farm workers. Furthermore, experience has shown that the professional worker may be limited in his ability to interact effectively with the migrant because of differences in languages, cultural values, and life styles. The migrant health worker also benefits from the program in that new career opportunities may develop as a consequence of such employment. Career progression is possible through the federal New Careers Training Program.

The migrant health worker has the following duties:

(1) Work directly under supervision of one member of the professional migrant staff who arranges her work to be coordinated with other migrant staff members, Home Economist, Public Health Nurse, Health Education, Dental Hygienist, Sanitarian.

(2) Interpret present programs to migrants.

(3) Interpret to professional staff the reaction and feelings of migrants regarding the health services.

(4) Teach migrants simple health practices such as: hand washing, care of baby bottles, procedures for getting rid of lice, dental hygiene, and other similar hygienic measures.

(5) Teach migrant women home skills such as cleaning procedures for stoves, refrigerators, dishes, proper garbage disposal, need for safety precautions, sewing and maintenance of clothing, etc.

(6) Teach migrants about consumer buying, family budgets, menu planning, food preparation, etc.

(7) Teach recognition of early symptoms of illness and methods of securing medical care.

(8) Report illnesses and problems to professional staff.

(9) Assist at clinics in interviewing patients regarding health problems.

(10) Act as an interpreter whenever needed.

Department of Education

Colorado Migrant Education Program

In 1965 the General Assembly repealed and re-enacted the "Migrant Children Educational Act". 1/ The purpose of the act is to "facilitate the education of migrant children who are unable to receive continuous education during the regular school year." The Act provides that the state Board of Education shall establish both a regular school year program and a summer program.

Summer Program. The Colorado Migrant Education program primarily is a summer program aimed at the age group from five to seventeen years. During the summer, migrant children attend summer schools regardless of previous attendance in public or non-public schools. Since the students are all migrants, the program is able to concentrate on their problems and thus offer the types of educational and other services which migrant children need.

1/ Section 123-29-1 et seq., C.R.S. 1963, 1965 Supp.

In the summer of 1969, 24 school districts participated in the program, using 24 schools as migrant education facilities. The Colorado Migrant Education Program has found it more economical to operate one educational center in each district in the summer months. Children are then bused to a single school.

For the summer of 1969, 3,362 children were enrolled compared to 644 in 1960, an increase of over 500 percent. This represents one area where the migrant population served is increasing. In addition to the instruction of migrant children, bus transportation for children, free breakfast and lunch, health services, vaccinations, visual and audio testing, and dental check-ups and treatment are provided.

At the present time, the Migrant Education Program has two mobile units which provide: (1) educational testing devices; (2) health facilities such as audio and visual testing; and (3) a materials center, containing a cultural library, tape recorders, movie projectors, and other instructional devices.

Regular Session Program. Migrant children, during the regular school session, are entitled to receive the school services that all public school children in Colorado receive. Nevertheless, the Colorado Migrant Education Program provides additional supportive services to the public schools. The program funds such activities as tutorial programs and health and food services. Textbook fees and other student fees that are normally charged by schools are paid for by the program for needy migrant children. The mobile units are also used extensively as supportive units during the regular school year. For the school year 1968-1969, 2,933 migrant students were enrolled in twenty-two school districts, an increase of over 455 percent since 1960.

National Migrant Record Transfer System. The Colorado Migrant Education Program has joined the National Migrant Record Transfer System. This system will provide school officials with educational records, e.g., test scores, grades, courses, etc., of migrant children almost immediately. Information retrieval terminals will be provided by the Migrant Education Program and local school districts will be able to obtain this information by telephone. In addition to educational information, there will also be health information available on each migrant child enrolled in school. This will facilitate both educational and health programs for migrants.

Funding of the Migrant Education Program. For the most part, the Migrant Education Program is financed by the federal government. The federal funds are obtained under the provisions of Title I of the Elementary and Secondary Education Act. For the fiscal year 1971, the General Assembly appropriated $170,000. Federal funds are expected to be $994,692; providing a total budget of $1,164,692.

Division of Adult Education

The adult education program in Colorado is currently operated to provide adult basic education (ABE) and the equivalent of a high school diploma (GED - General Educational Development Testing Program). The program is administered under the federal "Adult Education Act of 1966" (P.L. 89-750) and P.L. 91-230 which contains amendments to the 1966 law. The program is funded 90 percent by federal monies, ten percent by local monies. In fiscal year 1970, the amount of federal money in Colorado's adult education program was about $275,000. For the fiscal year 1972, the Division is submitting a budget request and asking that an adult education program, which encourages returning to and completing a high school education, be included in the School Foundation Act.

The GED program is a program run by the American Council on Education, located in Washington, D. C. Each state Department of Education picks up the cost of administering the GED program. The testing centers for the GED are self-sufficient, that is, the materials for testing are rented from the American Council on Education and the centers charge a fee to cover cost of operations.

Basically, the Division works in cooperation with the school districts but can also assist private non-profit organizations to provide adult education. The Division contracts with the local school districts in its allocation of federal monies to furnish teachers, materials, in-service education, counseling, recruiting and teaching techniques. Almost all adult education classes are held at night. In those school districts which contain a number of adult migrants, the districts often contract with the Colorado Migrant Council to provide para-professionals to make contact with the migrants.

The annual reports of each adult education program made to the Division do not contain a breakdown of the number of migrants attending adult education programs. However, the annual report does show that 55 percent (or about 2,332) of the 4,195 enrollees in adult education programs in fiscal year 1970 were of Mexican-American or Spanish-American heritage. Fort Lupton's adult education program has 40 enrollees all of whom are of Mexican or Spanish-American background. In the San Luis Valley adult education programs were offered in San Luis, Antonito, Alamosa, and Monte Vista with a total of 92 enrollees, the majority of which were Spanish-American.

Department of Social Services

Many of the state-federal programs administered by the Department of Social Services, such as the Aid to Dependent Children program, are not designed for migrant participation. Migrants do not qualify for categorical assistance if there is no intent to maintain residency in Colorado. Also, under Colorado's Title XIX program (medicaid), persons must be categorically related in order to qualify for medical benefits. Although the Department of Social Services does not have any major programs that are aimed at migrants, it does publish and distribute a "Directory of Resources for Migrant and Seasonal Farm Workers"; participates in the Migrant Coalition; and supervises county welfare departments in administration of the United States Department of Agriculture, Food Stamp Program.

The Food Stamp Program

In 1964, Congress passed the "Food Stamp Act." 1/ The essential feature of the Act is that the federal government (U.S. Department of Agriculture) provides extra food buying power to low-income families who decide to spend each month a specified amount of their own money for federal food stamps. The face value of the coupons purchased is greater than the money spent by the person. Colorado examples are as follows:

> A family of 4 with $120 net monthly income must buy $31 worth of coupons each month to get $75 worth of coupons free each time.
>
> A family of 6 with $185 net monthly income must buy $52 worth of coupons each month to get $92 worth of coupons free each time.
>
> A family of 10 with $400 net monthly income must buy $110 worth of coupons each month to get $102 worth of coupons free each time.

Food stamps are spent in the same manner as cash at retail food stores. The food stamp purchaser may choose almost any food and purchase at prevailing prices. Food stamps can only be used for food -- no soap, cigarettes, alcoholic beverages, or other non-food items can be purchased. In addition, imported foods cannot be purchased, except for coffee, tea, cocoa, bananas, and a few other items. 2/

1/ Section 2011 et seq., Title 7, U.S.C.A.
2/ Section 2019 (b), Title 7, U.S.C.A.

The total net income of the household determines whether a household qualifies for food stamps. Each state is allowed to determine eligibility within guidelines set by the act. 1/ The eligibility for food stamps in Colorado is as follows:

Number of Persons in Household	Net Monthly Income Limit
1	$134
2	184
3	219
4	254
5	289
6	324
7	359
8	394
9	429
10	464

Over 10, add $35 for each additional person in the household.

Migrant workers are able to receive food stamps during the monthly period in which their income falls below established standards. Usually, this occurs when employment opportunities are not available. Apparently, during peak employment periods. the earnings of migrants are high enough to disqualify them from food stamps.

Commodity Distribution Division, Department of Social Services. This Division operates as the central receiving agency for federal food stamps. The county welfare departments actually sell the food stamps. Sixty-one of the 63 counties in Colorado have a food stamp program. The counties of Jackson and Pitkin do not have a food stamp program.

Commodity and Supplemental Food Programs

In addition to the food stamp program, the Department of Social Services is also involved in two other food programs -- (1) Commodity Food Program and (2) Supplemental Food Program. The Commodity Food Program is administered in cooperation with the United States Department of Agriculture. Foods are provided for school lunch programs, including migrant schools. All counties participate in this program. The program picks up about 17 cents of the cost of each school meal.

1/ Section 2019 (b), Title 7, U.S.C.A.

The supplemental food program is a cooperative program with the United States Department of Agriculture. The program is intended to supplement the diet of low-income persons who are pregnant, nursing mothers, and families with children under the age of six. Eight counties in Colorado participate in the program. The counties are Conejos, Costilla, Denver, Eagle, Mesa, Prowers, Rio Grande, and Weld. The program is entirely federally funded. The number of counties participating in this program has been limited because federal funds have not been sufficient to allow for any additional county programs. The agencies which distribute the food include the Colorado Migrant Council, other migrant organizations, and in one instance a county welfare department (Eagle County).

Department of Labor and Employment

Farm Placement Section

Since the adoption of the Wagner-Peyser Act in 1933, the placement of farm workers has been an integral function of the federal-state employment program.

Title 20, Chapter V. § 604.5 Code of Federal Regulations, states:

> It is the policy of the United States Employment Service: To provide placement services by furnishing adequate facilities for meeting the labor requirements of agriculture and related industries, including, when necessary, provision for special recruitment and referral programs and for the orderly and expeditious movement of migrant workers to successive job opportunities, and to actively cooperate with State health agencies in programs affecting agricultural workers.

The staff of the Farm Placement Section has the responsibility to devise, implement, and evaluate a statewide plan to render an effective service for agricultural employers (growers, processors, etc.,) and farm workers. Such a plan provides the basis: 1) for determining the validity of labor requests; 2) for determining recruitment needs by origin of workers (local, intrastate, and interstate); 3) for determining the accuracy of seasonal farm workers weekly census reports; 4) for expediting the reallocation of workers during the growing and harvest seasons; and 5) improving the possibility of eliminating temporary labor shortages and surpluses.

The Farm Placement Section employs three professional personnel at the main office to implement the state plan for placement of agricultural workers. Basically, the staff of the Farm Placement Section functions in an advisory capacity to field supervisors and local offices. The local offices, under the direction of field supervisors, actually implement the farm placement program at the local level. Twenty-four local offices of the Employment Service employ a farm placement specialist in areas of substantial agricultural activity. Intrastate and interstate recruitment of migratory workers is necessary to meet peak labor demands.

Recruitment Procedures. Local recruitment includes contacts with welfare recipients, unemployment insurance claimants, housewives, school youth (local school officials cooperate by coordinating school schedules with harvest seasons), and inexperienced persons and unemployed workers who are interested in farm work. These efforts are supplemented by radio and television announcements, newspaper items, letters, questionnaires, pamphlets, solicitation of the aid of farm associations and volunteer farm representatives to cover outlying areas. 1/ Intrastate recruitment is coordinated by the personnel of the Farm Placement Section. Contracts are made with local offices to facilitate the movement of workers from one part of the state to another. The Section prints a weekly bulletin on agricultural conditions and employment needs throughout the state and sends it to local offices, farm employers, and employment offices in other states. Interstate recruitment of farm workers also is handled in cooperation with the Office of Clearance Placement. Through this program, Colorado cooperates with Texas, New Mexico, and Oklahoma in importing and exporting migrant workers as employment demands dictate.

The Farm Placement Section can not accept a work order from an employer with respect to intrastate or interstate recruitment of farm workers if the wage offered by the employer is substandard or the housing conditions provided for the farm workers is not up to standards established by the Health Department.

The role of the Department in providing recruiting services for interstate farm labor is declining for at least two reasons: 1) recruiting services are not being used by some growers and processors; and 2) mechanization is curtailing the demands for seasonal farm workers. Great Western Sugar Company, for example, no longer utilizes the recruiting services of the Department.

1/ Annual Farm Labor Report 1967, Farm Placement Service, Colorado Department of Employment, pp. 21.

Local and Seasonal Offices. The Farm Placement Section maintains a farm placement specialist in 24 of the Employment Service's offices year round. In addition, the Section maintains one seasonal office (Palisades) and three mobile units. The mobile units operate as temporary offices, and are used during peak employment periods. For instance, one unit is located in Eastern Colorado during the wheat harvest. Another unit is located in Baca County during the broomcorn harvest.

Record Keeping. Although not required by federal regulations, the Farm Placement Section keeps detailed records of migrant farm workers. The purpose of these records is to maintain checks as to whether satisfactory work has been performed for the employer, whether the workers arrived at the designated work sites on time, and whether the workers used monetary advances, supplied by the employers, for the purpose of reaching work destinations.

Monetary Advances. The practice of providing monetary advances to migrant work groups has been established by some employers (i.e., sugar companies) to help workers defray traveling and living expenses en route to job sites. The advances are channeled through employment department officials. For instance, a sugar corporation may make a monetary advance to a family from Donna, Texas, through a Colorado state employment representative at a state employment office in Texas for the purpose of assisting the family to drive to Greeley, Colorado, to harvest sugar beets for a grower contracted to the corporation. Thus, the record kept on the family would indicate when the advance was made, when the workers left Donna, when the workers reached Greeley, when the job was completed, and how satisfactorily the job was done. Workers with satisfactory records are prime candidates for recruitment the next harvest season or for employment in other parts of the state.

Cooperation With Other State Agencies. The Farm Placement Section annually provides information to representatives of the Migrant Division of the State Department of Education in regard to peak periods of migrant labor employment within the state. This information enables education officials to determine the best locations to establish migrant summer schools. Names and locations of migrant workers are also provided for the purpose of recruiting students. 1/ Similar information is provided state public health officials. With names and locations of migrants, health authorities can administer medical services as well as locate known carriers of diseases.

1/ Ibid., p. 24.

Governor's Farm Labor Advisory Council. The Farm Placement Section is assisted and advised by the Governor's Farm Labor Advisory Council. It is composed of 13 members appointed by the Governor, most of whom represent growers, shippers, and processors. According to division officials, the council holds a meeting in the early spring to discuss anticipated labor needs and other agricultural problems for the upcoming growing and harvesting season. A meeting in the late fall is held to review the season's activities. Pending legislation and regulations relating to farm labor are also reviewed by the council.

Publication of Annual Farm Labor Report. The Farm Placement Section publishes an annual report on Colorado farm labor. The report contains economic and employment trends of the five agricultural areas of the state, information on the impact of mechanization on farm labor, and discussion of recruitment, housing, and other aspects of farm labor.

State Office of Economic Opportunity

Each state may establish a state OEO office to coordinate and evaluate OEO programs within the state and to provide technical assistance to Colorado OEO programs when called upon to do so. The technical assistance offered ranges from providing staff experts in economic development to assisting in the coordination and evaluation of VISTA services. 1/ The State OEO office does not operate any programs or approve budgets for OEO activities in the state. From time to time, however, the Office does make comments on proposals when requested by the federal Office of Economic Opportunity. Specifically, some technical assistance has been given to the Migrant Council.

The State Office of Economic Opportunity employs four persons, a director and three clerical staff members. The State Office also has contracted, for technical assistance, one economic development specialist, one housing development specialist, and one management development specialist. In fiscal year 1971, the State Office will receive $114,013 from federal funds, and $28,989 in state funds; a total budget of $143,002.

1/ Section 2824, Title 42, United States Code Annotated.

Summary of Federal Legislation

Migrant Health Act

The act provides that federal funds may be granted to public and other non-profit agencies, institutions and organizations for the purpose of paying part of the cost of establishing and operating family health service clinics for domestic agricultural migratory workers and their families (Title 42 § 242h, U.S. Code). The migrant health, dental, and sanitation programs of the Colorado Department of Health are financed under this act.

Sugar Act of 1948

One of the provisions of the Sugar Act authorizes the Secretary of Agriculture to provide conditions for production of sugar beets. The Secretary is authorized to establish minimum wage rates for work done in the production, cultivation, and harvesting of sugar beets. The act is particularly important in Colorado, because sugar beets require more seasonal farm labor than any other crop. The minimum wages established under this act tend to act as wage guidelines for seasonal farm labor for other crops. (Title 7 § 1131 U.S.C.A.)

Bilingual Education Act

Federal funds have been made available in 1970 for three communities -- Cortez, Denver, and Lasalle-Johnstown to meet the special needs of children with limited English speaking ability. These funds have been allocated pursuant to the Bilingual Education Act to meet the needs of pre-school, kindergarten, and first grade children. The programs are summarized as follows:

Community	Children Served	Amount of Funds
Cortez	108 kindergarten children of Spanish and Indian heritage	$128,000
Denver	60 kindergarten and 1st grade children	$110,823
LaSalle-Johnstown	50 pre-school, 50 kindergarten, and 50 1st graders	$150,000

Application has been made for two additional programs: 1) Northern Colorado (Boulder, Fort Collins, and Loveland) -- $702,000; and 2) San Luis Valley -- $162,434. These programs

would be administered on a cooperative basis among the various school districts.

Fair Labor Standards Act of 1938 1/

The act covers only those agricultural workers who are employed by an employer who used more than 500 man-days of agricultural labor in any calendar quarter of the preceding year. Five hundred man-days is approximately the equivalent of seven employees working full time in a calendar year. None of the following people are covered even though they may be employed by a farm which does meet the 500 man-day criteria:

"(1) The parent, spouse, child or other member of an agricultural employer's immediate family; or

"(2) An employee who (a) is employed as a hand harvest laborer and is paid on a piece-rate basis in an operation which has been, and is customarily and generally recognized as having been paid on a piece-rate basis in the region of employment, (b) commutes daily from his permanent residence to the farm on which he is so employed, and (c) has been employed in agriculture less than 13 weeks during the preceding calendar year.

"(3) A migrant who is (a) 16 years of age or under and is employed as a hand harvest laborer, (b) is paid on a piece-rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece-rate basis in the region of employment, (c) is employed on the same farm as his parents, and (d) is paid the same piece-rate as em-employees over age 16 are paid on the same farm. (Such employees are included in the count for purposes of determining whether the 500-man-day test is met.) (4) any employee principally engaged in the range production of livestock." 2/

Housing and Urban Development Act 1968 3/

Provisions under Title X of the "Housing and Urban Development Act of 1968" include the authorization of low interest loans to provide occupant-owned, rental, and cooperative housing for low and moderate income persons and families. The Secretary of Agri-

1/ Title 29 U.S.C.A. § 213.
2/ U.S. Code, Congressional and Administrative News, 89th Congress, Second Session, Vol. 2, 1966, p. 3011.
3/ Public Law 90-488, 90th Congress.

culture through the Farmers Home Administration is authorized to provide financial and technical assistance to any state or political subdivision or public or private nonprofit organization for the establishment of housing and related facilities for trainees and their families who are residents of a rural area, and have a rural background while such trainees are enrolled and participating in training courses designed to improve their employment capabilities. Another provision authorizes the Farmers Home Administration to fund sponsor groups for the purchase and development of sites for self-help housing. (Title 42 § 1490 a, b, c, U.S.C.A.).

In fiscal year 1970, a total of $5,137,382 was channeled to Colorado through Farmers Home Administration. Of this total, loans to individuals accounted for $4,923,382 with loans to special projects such as those outlined above accounting for $214,000. The $214,000 went to 18 rural housing units.

The staff was not able to determine if any of the funds available under this title actually benefited migrants. The Foundation for Urban and Neighborhood Development (see page 50) has contacted the Colorado State Office of Farmers Home Administration as a possible source of funds for their migrant settlement project.

Economic Opportunity Act of 1964

Title III-B of the "Economic Opportunity Act of 1964" allows the Director of O.E.O. to provide financial assistance to state and local agencies, private nonprofit institutions and cooperatives in developing and carrying out programs to assist migrants and seasonal farm workers. The programs may include projects or activities such as day care of children, education, health services, improved housing, and sanitation (including the provision and maintenance of emergency and temporary housing and sanitation facilities), legal advice and representation, and consumer training and counseling. Other activities include equipping unskilled migrant workers or seasonal farm workers and their families with appropriate education and training to meet the changing demands in agricultural employment brought about by technological advancement. The program is designed to encourage migrants to take advantage of available opportunities to improve their well-being and self-sufficiency by gaining regular or permanent employment or by participating in available Government training programs (Title 42 § 2861-2864, U.S.C.A.).

The Colorado Migrant Council is the focal point of the OEO programs for seasonal farm workers in Colorado. The Council's programs are discussed in detail in another section of this memorandum.

Elementary and Secondary Education Act

This act authorizes grants to a state educational agency or a combination of such agencies to establish or improve programs of education for migratory children. /Title 20 § 241e (c)./ The act is expected to provide one million dollars for Colorado's Migrant Education Program in fiscal 1971.

"The maximum total of grants which shall be available for use in any State for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in that State or, if greater, in the United States multiplied by (a) the estimated number of such migratory children aged five to seventeen; inclusive, who reside in the State full-time and (b) the full-time equivalent of the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State part-time, as determined by the Commissioner (of Education) in accordance with regulations." (Title 20 § 241 c (a) (6), U.S.C.A.).

In 1970-71, the Colorado Migrant Education Program will receive $1,065,000 for education of 7,497 migrant children -- ages five to seventeen. This is the estimated number of children taking part in the summer and regular school year programs.

Title XIX, Social Security Act

Title XIX, of the Social Security Act (Medicaid) provides that grants may be made to each state which has a plan approved by the Secretary of Health, Education, and Welfare for medical assistance. The funds are to be used to enable the state: "to furnish (1) medical assistance on behalf of families with dependent children (AFDC) and of aged (OAP), blind (AB), or permanently and totally disabled individuals (AND), whose income and resources are insufficient to meet the costs of necessary medical services, and (2) rehabilitation and other services to help such families and individuals attain or retain capability for independence or self-care...". (Title 42 § 1381) (Public Law 89-98)

Fundamentally, the purpose of Medicaid is to assist the states in financing medical services for welfare recipients. In addition, funds are available to states providing medical services for other low-income persons, including the so-called "medically indigent". Colorado has adopted Title XIX and provides medical services for various categories of welfare recipients -- OAP, AND, AFDC, and AB. Colorado does not participate in medical assistance for low-income persons such as seasonal farm workers under this program unless they are eligible for aid under one of the aforementioned categories.

Immigration and Nationality Act

The "Immigration and Nationality Act" (Title 8 § 1324) appears to becoming increasingly important because of the growth in the number of illegal aliens employed in Colorado agricultural labor. The act provides, in part:

> (a) Any person, including the owner, operator, pilot, master, comanding officer, agent, or consignee of any means of transportation who --
>
> (1) brings into or lands in the United States, by any means of transportation or otherwise, or attempts, by himself or through another, to bring into or land in the United States, by any means of transportation or otherwise:
>
> (2) knowing that he is in the United States in violation of law, and knowing or having reasonable grounds to believe that his last entry into the United States occurred less than three years prior thereto, transports, or moves, or attempts to transport or move, within the United States by means of transportation or otherwise, in furtherance of such violation of law;
>
> (3) willfully or knowingly conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, in any place, including any building or any means of transportation; or
>
> (4) willfully or knowingly encourages or induces, or attempts to encourage or induce, either directly or indirectly, the entry into the United States of --
>
> any alien, including an alien crewman, not duly admitted by an immigration officer or not lawfully entitled to enter or reside within the United States under the terms of this chapter or any other law relating to the immigration or expulsion of aliens, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $2,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs: Provided, however, That for the purposes of this section employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

Farm Labor Contractor Registration Act of 1963 1/

This act requires that farm labor contractors obtain a certificate of registration from the United States Department of Labor. A farm labor contractor is defined in this act as any person who, for a fee, either for himself or on behalf of another person, recruits, solicites, hires, furnishes, or transports ten or more migrant workers (excluding members of his immediate family) at any one time in a calendar year for interstate agricultural employment.

In order to obtain a certificate of registration, a farm labor contractor must file:

(1) a statement concerning his conduct and method of operation;

(2) proof of financial responsibility or the existence of an insurance policy insuring the applicant against liability for damages to persons or property arising out of the ownership of, operation of, or his causing to be operated any vehicle for the transportation of migrant workers;

(3) a set of his fingerprints.

The certificate of registration may be refused, suspended or revoked under certain circumstances. For instance, if the contractor:

(1) knowingly gives false or misleading information to migrant workers concerning the terms, conditions, or existence of agricultural employment;

(2) has failed, without justification, to perform agreements entered into or arrangements with farm operators;

(3) has failed without justification, to comply with the terms of any working arrangements made with migrant workers;

(4) has recruited, employed, or utilized the services of a person knowing that the person is violating the immigration and nationality laws of the United States.

Farm labor contractors are required to:

...ascertain and disclose to each worker at the time the worker is recruited the following infor-

1/ Title 7 s 2041 et seq. U.S.C.A.

mation to the best of his knowledge and belief: (1) the area of employment, (2) the crops and operations on which he may be employed, (3) the transportation, housing, and insurance to be provided him, (4) the wage rates to be paid him, and (5) the charges to be made by the contractor for his services;

...upon arrival at a given place of employment, post in a conspicuous place a written statement of the terms and conditions of that employment;

...in the event he manages, supervises, or otherwise controls the housing facilities, post in a conspicuous place the terms and conditions of occupancy; and

...in the event he pays migrant workers engaged in interstate agricultural employment, either on his own behalf or on behalf of another person, keep payroll records which shall show for each worker total earnings in each payroll period, all withholdings from wages and net earnings. In addition, for workers employed on a time basis, the number of units of time employed and the rate per unit of time shall be recorded on the payroll records, and for workers employed on a piece rate basis, the number of units of work performed and the rate per unit shall be recorded on such records. In addition he shall provide to each migrant worker engaged in interstate agricultural employment with whom he deals in a capacity as a farm labor contractor a statement of all sums paid to him (including sums received on behalf of such migrant worker) on account of the labor of such migrant worker. He shall also provide each such worker with an itemized statement showing all sums withheld by him from the amount he received on account of the labor of such worker, and the purpose for which withheld. The Secretary may prescribe an appropriate form for recording such information.1/

1/ Title 7 § 2041 et seq. U.S.C.A.

Miscellaneous Private and Publicly Funded Programs

Colorado Migrant Council 1/

The Colorado Migrant Council was established in 1966 as a non-profit corporation. For fiscal year 1970-71, the Migrant Council's budget amounts to $1,451,000. Funds are obtained through the Office of Economic Opportunity and the Department of Health, Education, and Welfare.

The Council is composed of forty members, one-third of the total membership are direct representatives of the poor. The indigenous Council members represent the four major areas of the state which employ agricultural laborers. In addition to representatives of the poor, the Council membership includes growers, legislators, professional people, a labor leader, members of the clergy, newspaper publishers, and other persons interested in migrant problems. The Council, through a nine-man Board of Directors, employs a full time professional staff of fourteen to operate the programs described below.

Infant Education Program. The Infant Education Program is intended to help break the poverty cycle of the migrant system by providing educational benefits to children of pre-school age. The program attempts to promote parental involvement in the education of their children. Members of the migrant community are trained and certified in the latest methods of infant and pre-school education. The program also benefits the migrant instructors by offering professional career advancement.

In 1968, the Council operated 14 infant day-care centers serving 709 children. The total number of infant education classes in 1968 follows: Northern Colorado - 8; Arkansas Valley - 6; San Luis Valley - 7; Western Slope - 2. The Infant Education Program also provides health services - e.g., each child is examined and treated by a physician or pediatric nurse.

Bilingual Pre-School Headstart. Since 1966, the Colorado Migrant Council pre-school program has served approximately 3,300 children. An average of 37 different pre-schools have operated from 1967 to 1969. Depending on the field work activities of the parents, classes are conducted from 6:00 or 7:00 a.m. until 5:00 or 6:00 p.m. Again, health care and dental care, to

1/ Source: Colorado Migrant Council Prospectus (undated), and conversations with Migrant Council staff.

the extent possible, are provided. Teachers for the Head Start Program are recruited from the indigenous poor of either the local community or the migrant stream. The teachers must be bilingual and children are taught in English and Spanish or English and Navajo.

Adult Education. The Adult Education Program of the Migrant Council provides students with the verbal and other skills necessary to attain career progression. "Career Progression" may proceed as follows: attends adult education class - passes GED examination - trains as an adult eduation aid - assumes position as indigenous teacher -- attends university or college to complete training.

The Migrant Council provides stipends ranging from $45 to $60 per week for migrant education trainees to enroll in programs which provide 20 hours of academic instruction per week. The students also receive pre-vocational instruction in the areas of basic automobile mechanics, household mechanics, electricity, and wood work. From April 1968 to March 1969, a total of 282 students were enrolled in 11 stipend pre-vocational courses in seven service centers throughout the state.

Health Services. The Migrant Council's health program conducts physical examinations and dental evaluations of migrant children. Local physicians provide medical services. In areas where there is a shortage of doctors, the Council operates "screening" clinics utilizing pediatricians and pediatric nurse practitioners from the University of Colorado Medical School. During 1968, 1,400 children were examined. Of this number, 22 percent needed treatment for such things as impetigo, ring worm, colds, etc. Twenty percent of those examined were referred for further evaluation and/or treatment of serious conditions such as pneumonia, heart murmurs, chronic draining ears (which often leads to deafness), etc. The Migrant Council employs its own staff of nurses to assist in its health services.

Self-help Housing Program. A Self-help Housing Program has been initiated to improve the housing of seasonal farm workers in the San Luis Valley. For example, the community of Lariat near Monte Vista contained 195 houses of which 142 were occupied in the following condition: 33 in good condition, 37 in fair condition, and 72 were in "poor" condition.

In 1970, six houses were improved in Lariat. The Migrant Council provides tools, including power equipment, and technical personnel. Monies for building materials are not available, however.

The major goals of the Council's self-help housing program are to:

(1) train underprivileged persons to enter skilled professional jobs in such areas as carpentry or construction management;

(2) enable such persons to eventually construct their own dwellings or to remodel existing dwellings; and

(3) encourage such persons to form their own construction corporation.

Itinerant Multi-Service Team. This program provides tutors to travel with migrants. The tutors provide guidance to migrant families in health sanitation, adult and child education, personal and group development, community life education, etc. The size of the program is indicated by the following:

ITINERANT MULTI-SERVICE TEAM STATISTICAL REPORT
JANUARY-MARCH 1969

Number of Adults Referred to Existing Adult Basic Education Classes	42
Number of Adults Placed in Existing Adult Basic Education Classes	35
Number of Adults Placed in Self-Help Adult Basic Education Classes	197
Number of Self-Help Adult Basic Education Classes Organized	9
Number of Agency Contacts	37
Number of Persons Referred for Health Services	210
Number of Persons Referred for Legal Services	24
Number of Persons Referred for Welfare Services	314
Number of Children Referred to Existing Pre-School Programs	22
Number of Children Placed in Existing Pre-School Programs	14
Number of Persons Engaged in Self-Help Food, Gas, Other Co-Ops	
Self-Help Housing	12
Colonia Del Valle Food Co-Op	3,000

Migrant Action Program

The University of Colorado established a program designed to provide educational opportunities for rural Mexican-American youth, primarily the sons and daughters of seasonal workers. In the Fall of 1968, 23 students enrolled at the University. The Colorado Migrant Council recruited the students for the programs.

> At the beginning of the fall semester, three of the original 27 students transferred to colleges in Northern Colorado; one married student had returned home because of illness in the family. However, one of the Council's Itinerant Tutors had joined the program, which brought enrollment up to 23. At the end of the fall semester, there were still 23 dedicated students, passing regular freshman and sophomore courses, participating in a wide variety of campus activities; and earning at least one-third of their expenses themselves. Each student was required to carry a minimum of 12 semester hours in order to qualify for federal funds. The group's cumulative grade point after finals were over was 2.14 (2.0 = C average). Only eight individuals fell below a C average; one person made the Dean's honor roll with a 3.15 average. None of the married students had a cumulative average of less than 2.00. These accomplishments are all the more remarkable considering that the University drop-out rate for students from rural Colorado as a whole is 50% the first year and the majority of the students in the Migrant Action Program would have been rated potential failures, if standard admissions criteria had been used.

The enrollment in the Fall of 1970 is 84. The program is funded through the University of Colorado's Office of Financial Aid.

Colorado Rural Legal Services

Colorado Rural Legal Services (CRLS) is a private, non-profit corporation, governed by a 25-man board of directors. The board is composed of attorneys and representatives of the indigenous poor. Board members are selected from areas of the state served by CRLS. Colorado Rural Legal Services is funded under Title II of the Economic Opportunity Act of 1964. In fiscal year 1971, the budget of Colorado Rural Legal Services was $425,000. This budget enabled CRLS to employ nineteen attorneys to provide legal services to persons living in rural poverty. In general, Colorado Rural Legal Services has attempted to assist

migrants and other seasonal farm workers by providing legal counsel, protecting social security contributions, entering into wage disputes, and obtaining food stamps and other benefits.

As a consequence of providing legal aid, CRLS has instituted a number of suits on behalf of their clients. For example, in Nunez v. Shaffer, a suit was filed in an attempt to force the Colorado Department of Labor and Employment to include agricultural activities under the state's minimum wage law for women and children. The lower court ruled in favor of CRLS and the case has been appealed to the Colorado Supreme Court. In another suit, Gregorio Salazar and Lionel Sanchez v. Clifford Hardin, Judge William Doyle ruled that the Secretary of Agriculture is permanently enjoined from making payments under the Sugar Act to any Colorado sugar beet producer who pays wages due to farm workers to a labor contractor or crew leader. Housing also has been an area of concern. Colorado Rural Legal Services attempted to prevent the closing of the housing available at the Fort Lupton Migrant Labor Camp. After preliminary discussions, the matter was not pressed by CRLS. Tentatively, the property is to be operated by the community of Fort Lupton with 10 percent of the facilities reserved for migrant housing. To date, the camp is still closed and the facilities are not available for use by seasonal farm workers.

The Migrant Ministry

The Migrant Ministry is an inter-faith organization composed of some Protestant churches, Roman Catholic churches, and some Jewish organizations. The Migrant Ministry employs a staff of 12 persons plus 120 community volunteers. Roughly, 1,500 migrants are served in seven areas of Colorado. The 1969 budget follows: $8,000 for the program and $11,722 for salary and travel of the director. Local committees contribute an additional $4,000.

The Migrant Ministry provides: emergency food and housing; transportation to dental and medical facilities; aid in settling new families in the community; assistance in the operation of day-care centers and recreation programs; and information on employment opportunities, food stamps, etc. The Migrant Ministry also emphasizes religious training and attempts to involve the local churches in the problems of seasonal farm workers and families.

Catholic Archdiocese Migrant Program

For the past 12 or 13 years, the Denver Archdiocese has maintained a migrant program supported from Catholic Charities. The Poverty Commission of the Archdiocesan Development Fund grants $18,000 a year to four sisters and one priest to provide services to the migrants. The $18,000 plus any donations is the total funding for the priest's and nuns' salaries, travel expenses, operating costs, and some expenses for the impoverished they serve.

During the summer months, the nuns and priest spend most of their time in the communities of Fort Lupton, Greeley and Brighton, since there is a concentration of migrants in this area. Translating services, adult education, and religious services (in Spanish) are provided. During the summer weekends, this team travels in Northeast Colorado providing similar services to migrants in outlying areas. Two major adult education programs are located in Fort Lupton and Greeley (Ames Junior College). During the winter, the nuns and priest provide adult education and religious classes to resident, rural poor.

In Denver, attempts also are being made to assist seasonal farm workers to leave the migrant stream. Migrants are settled in federal housing projects and referred for community services and job placement. Adult education, tutoring, and translation services are provided to migrants participating in this program.

Pueblo Diocese Migrant Program

Roughly, $5,000 is allotted from the Bishops Development Fund of the Diocese of Pueblo to administer and implement a migrant program. Four programs for migrants are operated in the Pueblo diocese: Grand Junction, Rocky Ford, Lamar, and Center. In Grand Junction, one seminarian and nun work cooperatively with other church groups in the area to staff a recreation center which serves as a gathering place for the migrants. In Rocky Ford, one priest, one nun and one lay person provide a variety of social services for the migrants. Personal contacts with the migrant families, by these individuals, help to determine the family's needs and then information and referral is provided. Youth and adult social and recreation programs are held, but the main emphasis is on providing needed information to the migrants.

Colorado 4-H Visitors Program

The Colorado 4-H Visitors Program is a health and "homeliving" education program for migrant children ages 9 to 14. In addition to instructing girls in health and homeliving, the program teaches the youth how to operate in a democratic society.

The children learn how to elect and use club officers, how to make group decisions, and how to plan and carry out group activities. The program is a coordinated effort of the Colorado Department of Health, local health departments, Colorado Department of Education, local school districts operating summer migrant education programs, and the Colorado State University Extension Service.

Foundation for Urban and Neighborhood Development (F.U.N.D.)

Migrant Settlement Project. The purpose of this project is to take migrants out of the migrant stream and permanently settle them in rural areas of Colorado. The project includes housing, transportation, health, law, education and employment services. The project is designed to allow for maximum participation on the part of the migrant in the process of settling. At present, 30 families consisting of approximately 5 members each are participating in the project. F.U.N.D. received $80,000 the first year, and $100,000 the second year, from the Great Western United Foundation. In addition F.U.N.D. received $400,000 in fiscal year 1970 from the Public Health Service for a comprehensive health center in Fort Lupton and a grant of $76,000 from Head Start.

MAJOR ISSUES FOR THE EARLY 1970'S

The purpose of this section of the report is to provide members of the General Assembly with a summary of some of the problems, issues, attitudes, and suggested approaches, concerning seasonal farm labor that will be facing the Congress, the Colorado General Assembly, the growers, and the migrant and his family during the early 1970's. Of course, some of the legislative items listed are not new and have been debated by the members of the General Assembly for a number of years. Nevertheless, these items have been listed in order to provide a single reference of measures and problems that members may encounter in the 1971 or subsequent sessions.

Activities to Organize Seasonal Farm Workers

Efforts to organize migrants and other farm workers appear to be accelerating as illustrated by the lettuce strike in the San Luis Valley. Although the union activities of farm workers are not new, beginning in the early 1900's, both the perennial economic illness of the agricultural industry and recent social events seem to be providing impetus to such unionization:

(1) Agricultural workers are at the very bottom of the "economic ladder".

(2) Increased mechanization and the general growth in corporate farming reduces the personal contact of the individual grower with his employees.

(3) The national attention focused on the civil rights movement probably has some bearing on the attitude of a number of migrants to attempt to improve their economic status through unionization.

(4) The elimination of the Braceros program has forced producers to depend on domestic labor. 1/

(5) Labor unions, church and civil leaders, political

1/ Prior to 1964, Public Law 78 permitted the recruitment of Mexican Nationals for seasonal farm work for areas in which there was an insufficient supply of farm labor; where employment of such workers would not adversely affect wages and working conditions; and where reasonable efforts had been made to recruit domestic workers.

candidates, and the communications media have focused attention on the problems of migrant workers, adding stimulus to their organizational efforts.

The recent attempts to organize farm workers is taking place despite the fact that farm labor is exempt from both the "National Labor Relations Act" (NLRA) and the "Colorado Labor Peace Act" (CPLA). Section 152 (3) of Volume 29 of the United States Code Annotated States:

> The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless this subsection explicitly states otherwise,...but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home,...or any individual having the status of an independent contractor,...

A similar exclusion is also contained in the definition of an employee provided in the Colorado Labor Peace Act (see 80-4-2 (3) (a), C.R.S. 1963). In essence, these exemptions mean that farm workers in Colorado do not have the legal rights or protections extended to other employees. For example, farm labor does not have the governmental sanctions for the right to hold union elections and to bargain collectively with employers. Exemption from NLRA and CLPA means that a grower need not even recognize the existence of a farm workers organization and, of course, may refuse to bargain collectively.

In only two states -- Hawaii and Wisconsin -- are agricultural workers covered by labor acts similar to Colorado's Labor Peace Act. 1/ The unique corporate farm structure in Hawaii in which five companies dominated sugar cane and pineapple production probably was a significant factor in unionization activities in that state. In 1945, the Hawaii Employment Relations Act was passed and shortly thereafter, workers at most of the large plantations were organized. In Hawaii, agricultural workers are covered by a minimum wage law, workmen's compensation, and the unions have negotiated comprehensive medical plans, paid holidays and vacations, sick pay, and severance pay. 2/

1/ The Migratory Farm Labor Problem in the United States, 1969 Report of the Committee on Labor and Public Welfare, U. S. Senate.

2/ Farm Labor Organizating, 1905-1967, A Brief History, National Advisory Committee on Farm Labor.

Inclusion of Farm Labor Under the NLRA and CLPA

Arguments in Favor. Attempts have been made both in Congress and the Colorado General Assembly for the inclusion of farm labor under the respective federal and state acts. Proponents of the legislation believe that farm workers should be placed on the same legal basis as workers in all other aspects of our economy. Without such legislation growers may not be willing to negotiate, with the result that farm workers attempting to unionize often resort to the pure use of economic power -- strikes, pickets, and boycotts to get their grievances aired. Proponents argue that the lack of established procedures for communication, election, negotiation, and arbitration actually increase the likelihood of disruption of interstate commerce with respect to agricultural goods. Finally, the lack of specific guidelines enhances tensions in a community, particularly when out-of-state labor, including, foreign labor, is utilized in a so-called "strike breaking" capacity.

Arguments Against. Traditional arguments against the inclusion of agricultural labor under NLRA were cited by Senator George Murphy of California. In a subcommittee report he points out that an entire year's product of the farmer is at stake when harvest time arrives. A day or two delay may affect the price the farmer receives, while a week lost could mean economic ruin. "This extreme vulnerability of farmers is not shared by industrial employers and would render them little more than sitting ducks for unions of farm workers.... Our Nation's farmers are already in a sorry enough predicament. Farm prices are at their lowest levels in years while the costs of production, both labor and nonlabor, have maintained their steady upward trend. ...Nor is it very difficult to predict the consequences of even greater pressure on labor costs to farmers unable to resist the demands of farm worker unions. The already pronounced trends to mechanization will intensify, and thousands of farm labor jobs will simply be eliminated...." 1/

Migrant Nonprofit Corporation

In the summer of 1970, the Colorado Migrant Council, Colorado Legal Rural Services, Inc., and the Migrant Task Force (representatives of federal agencies) began working on the concept that migrant problems would not be solved until the migrant is better organized. The diffusion of programs for migrants has lead to: 1) limited funding (and therefore poor planning), 2) a

1/ Op. Cit., Committee on Labor and Public Welfare, U.S. Senate pages 143 and 144.

lack of migrant involvement, and 3) a failure to integrate goals. In order to focus on the problems of the migrant, it has been proposed that a private, non-profit corporation be formed, by and for migrants, to provide migrants with an organizational framework under which wages, working conditions, health services and housing could be improved. The corporation would include, in addition to migrants, representatives of growers and processors. Initially, the project would be aimed at Northeastern Colorado. Government agencies would lend technical and other assistance to the corporation.

The activities of the corporation would include a number of functions now performed by other groups or organizations. For example, the corporation could act as the employer of migrants, entering into employment contracts with both the migrant and the individual growers. The recruitment of seasonal workers also could be performed by the corporation. This would relieve the processors and growers of all expenses and responsibilities incurred in the recruitment, transportation, and housing of the migrant labor force. The corporation could assume the full cost and responsibility for in-state and out-state recruitment, transportation, field supervision, and the health and welfare of migrants. Organization of a housing division which would develop, own, maintain, and manage migrant housing units is another possible responsibility of the corporation.

Specifically, it has been suggested that the corporation be organized into several divisions for the purpose of developing and operating health, education, and welfare services for migrants on a year round basis. The six divisions would be: 1) Recruitment and Employment; 2) Housing; 3) Migrant Education and Child Care; 4) Health and Welfare Services; 5) Social Security and Legal Services; and 6) Cultural and Social Enhancement.

The budget for the proposed corporation would approximate $520,000 for the first year of operation. Finally, organizers of the corporation probably will seek financial assistance from the following sources: Office of Economic Opportunity; Health, Education and Welfare; Housing and Urban Development; Social Security; Department of Agriculture; Colorado General Assembly; Texas State Legislature; Great Western United; and Growers Associations.

Illegal Aliens

The employment of illegal aliens is of particular concern to both the farm workers and businesses which provide goods and services to these workers. The alien competes with domestic farm labor for employment opportunities. Usually, the illegal alien is travelling without his family and returns to his own country with a major share of his earnings. He is not a consumer in the same manner as a domestic worker. Thus, the income

that he receives is not spent in the local community. The problem of illegal aliens appears to be increasing drastically, especially in view of the ten-fold increase -- 330 in fiscal year 1963-64 compared to 3,537 in fiscal 1969-70 -- in the number of aliens picked up in Colorado since 1964. Perhaps, one reason that there is such a large number of aliens seeking employment in Colorado is that farm employers are not subject to any kind of penalty for hiring "wetbacks". Although immigration and naturalization is an area of federal jurisdiction, the state of Colorado may be asked to develop some sort of system to penalize employers hiring illegal aliens. At present there is little incentive on the part of farm employers to verify whether an individual is being employed illegally.

Colorado Minimum Wage for Women and Children

The Colorado Supreme Court is now considering the question of whether the Executive Director of the Department of Labor and Employment must investigate the wages and working conditions of women and children engaged in farm and ranch labor. Judge Oyer Leary, District Court for Adams County, ruled that farm labor does come under Chapter 80, Article 7, C.R.S. 1963, as amended -- Colorado's Minimum Wage Law for Women and Children. In any event, farm laborers in Colorado, men or women, are not covered by a state minimum wage law. Legislation may be introduced concerning this matter in the 1971 session.

Farm workers are covered by federal minimum wages in some types of employment. As previously mentioned, both hourly wages and piece rates are established under the Sugar Act. The farm operator, however, may select the manner of payment. Representatives of farm workers have cited examples when piece rates fall well below the hourly minimum provided in the Sugar Act. Attempts may be made to amend the Sugar Act to insure that wages will meet a specified minimum rate. The Federal Fair Labor Standards Act also provides coverage to seasonal farm laborers. The 500 man-days requirement (see page 38), however, means that only large farm operations are covered by the act. Congress is currently considering H.R. 10948, which would amend the Fair Labor Standards Act.

Workmen's Compensation

Farm employers are excluded from Colorado's Workmen's Compensation law. Of course, any farm operator may elect to come under the provisions of the act, 1/ and a number of large

1/ Section 81-2-6 (4), C.R.S. 1963.

corporate farms in Colorado are participating in the programs especially to avoid possible litigation. The individual farmer also may elect to particpate in Workmen's Compensation for his own protection. The Senate Subcommittee on Migratory Labor cited two reasons for the increasing need to provide farm workers with workmen's compensation benefits: 1) the continued rapid growth in mechanization and 2) the increasing use of chemical herbicides, insecticides, fungicides, defoliants, solid additives, and plant accelerators. Apparently, most of the exposure of migrants to pesticides is not in the application process but simply because of the toxicity of the residue of these substances.

> ...migrants are subjected to long and continuous exposure to chemicals that increase tremendously the probability of harmful effects. Some of the unknown dangers, upon repeated contact with the chemicals, are acute and chronic toxicity, congenital abnormalities,.... The solvents used to distribute and disperse the active chemicals can cause toxicity themselves if dissolved into the body. 1/

For these reasons, the General Assembly may be asked to consider amendments to the Workmen's Compensation Act to provide coverage for seasonal farm workers both for accidental injury and occupational disease.

Migrant Health

In the summer of 1970, the Colorado Department of Health conducted a survey of fifteen hospitals in communities with large concentrations of migrant labor. The survey found that a total amount of $75,917 had been "written off" in eleven hospitals. This may explain, in part, the reluctance of some hospitals to meet migrant health needs. A few hospitals have even required a deposit for patients that do not participate in a medical insurance plan. 2/ The survey led to the following conclusions about migrant health care, as far as hospitals are concerned:

> The extremely low annual average income of the migrant precludes his recourse to most insurance plans as we know them. The same economic factor, compounded by mobility and cultural alienation, denies him equitable access to borrowed money.

1/ The Migratory Farm Labor Problem in the United States, U. S. Senate, Report No. 91-83, p. 91.
2/ Salud y Justica, p. 61.

> As a result: 1) local hospitals have absorbed migrant care financial losses for many years, 2) migrants are often unable to avail themselves of the care considered routine by the general public, 3) physicians are reluctant to undertake treatment of a migrant patient who might require hospitalization, in the absence of some arrangements for payment of the hospital's bill. 1/

Department of Health officials report that federal funds to off-set these losses are not likely to be forthcoming. As a result, the Colorado General Assembly may be asked to meet some of the costs of services provided to migrants by community hospitals.

A broader approach to migrant health care would be the expansion of Medicaid benefits -- Colorado's Medical Assistance Program, implementing Title XIX of the Social Security Act -- to meet the needs of seasonal farm workers. 2/ One requirement for eligibility for medical assistance under the "Colorado Medical Assistance Act" is that an individual must be living, other than temporarily, in this state. 3/ Since many migrants are in Colorado for a short time only and do not intend to remain in the state, they are not eligible for the state's medical assistance program. The relatively low annual income of migrants probably is such that they would qualify for aid under a categorically related program, except for residency. That is, the resources of many seasonal workers are such that in times of unemployment some migrant families would be eligible for assistance under the category of Aid to Families with Dependent Children. Generally, categorically related individuals include those persons with such limited resources that they would qualify for aid under one of the welfare categories of the Social Security Act.

In any event, both Congress and the state of Colorado probably will be asked to take some steps to finance medical care for both intra and inter-state seasonal farm workers, as well as to insure that migrants are not denied opportunities for hospitalization.

1/ Colorado Department of Health Memorandum, Migrant Health Program, July 17, 1970.
2/ Colorado Medical Assistance Act, Chapter 119, Article 12, 1969 Supp. to C.R.S. 1963.
3/ Section 119-12-3 (9), C.R.S. 1963, as amended.

Housing

A chronic complaint of persons interested in seasonal farm workers is that the housing provided to these workers is inadequate. Although the Department of Public Health is involved in sanitary inspections of migrant housing, to date this program has not stimulated the rennovation or development of new facilities for seasonal farm workers. Apparently, there is a tremendous amount of substandard housing available in the rural areas. Much of the housing used by migrants is on-the-farm housing which has not been used for permanent residence for many years. Closing of one dwelling, often means that the migrant family must move into another inadequate facility, and so forth. Furthermore, many permanent residents are living in substandard dwellings. Local officials, growers, and communities, are reluctant to take action on behalf of the migrant when many elderly persons and other rural poor are living under minimal conditions. Nevertheless, Salud y Justica has called for major efforts to enforce adequate housing for migrants coming to Colorado. In any event, strict enforcement of a housing code may not solve the problem unless steps are taken to construct new facilities and repair old buildings.

In a field survey of existing housing for migrants conducted by Denver Research Institute, Dave Sborov reported that the only new construction for migrant workers housing in the past five years in Colorado has been the Hillcrest Apartments in Granada and Valley Apartments at Manzanola. The latter has 130 units which rent for $80 per month. These apartments are priced over what the migrants can afford. Apparently both of these complexes are having financial difficulties. The Hillcrest Apartment, although very nice, is located in an area in which Japanese Americans were interned during World War II. The property is surrounded by a barbed wire fence and the manager is reported to carry a gun. In Mr. Sborov's opinion, the situation is not conducive to encouraging migrants to live in this settlement.

Mobile and Modular Living. The Denver Research Institute (DRI) is attempting to develop new techniques in providing housing for seasonal workers. According to DRI officials, standard housing techniques are simply too expensive to meet the needs of seasonal farm workers who are in a given community for a short time only, suggesting that a growth in the use of trailer facilities is likely or that some type of modular home may be developed to meet seasonal farm labor needs.

In another approach, the community of Rocky Ford is attempting to develop a low cost housing project which will serve both permanent and seasonal labor. The project is designed to provide housing for 90 employees of a hog processing plant. The families of these employees would be available for seasonal farm labor in the area.

Concerns Expressed by Growers. Sugar company officials and some growers have commented that responsibility for housing seasonal farm workers belongs to the farm operator. Nevertheless, the need for seasonal farm labor is declining. The sugar beet farmer, in particular, is faced with the prospect that any substantial investment in farm labor housing could be wasted if improved herbicides are developed, eliminating labor now needed for thinning operations.

Some growers stated that it was "extremely" difficult, i.e., expensive and time consuming as far as labor is concerned, to provide adequate housing for people who may only live in the housing for a month or two each year. Some asked: "Why should the agricultural industry provide housing for its workers since most industries do not provide such services?" Nevertheless, there was agreement among the growers contacted that migrants often do not want to live in migrant labor camps but would prefer to live in single houses on the farm on which they worked.

The complexity of the housing problem suggests that enforcement of housing codes probably will be a prime issue in the early 1970's.

Unemployment Compensation

The very nature of seasonal farm labor means that workers are subject to frequent periods of unemployment. Inclement weather, oversupplies of labor, careless recruiting practices, time lost in travel from one area to another, etc., all mean that regardless of the intentions of the individual migrant worker, he will suffer periods of unemployment. Thus, it is often suggested that such workers should be entitled to some type of compensation in periods of unemployment. Specifically, Representative Klein introduced H.B. No. 1034 in the 1969 session to amend the Colorado Employment Security Act to repeal section 82-1-3 (8) (a) which excludes agricultural labor from the act. In considering such legislation, however, there are practical problems.

The weekly benefit entitlement of a claimant is based upon the amount of his earnings in employment covered by Unemployment Compensation Acts in Colorado and other states. Texas does not include seasonal agricultural labor in unemployment insurance programs, and the migrants in Colorado spend most of the year in Texas. Thus, these farm workers are not participating in "covered employment" for most of the year. In other words, agricultural employers in Texas and other states are not making any contribution toward a state unemployment insurance fund. If benefits are to be paid to migrants, some type of a financial base for funding unemployment benefits would have to be developed

or Colorado employers would have to support all the compensation approved for migrants while in this state.

Limited unemployment compensation plans have been developed for farm workers in the states of Connecticut, New York and North Dakota. 1/ These three states allow the individual farm operator to elect to pay in to the Unemployment Compensation Fund. A worker may file for benefits if he has been engaged in such covered employment.

Federal Registration. Identifications of the wage history of migrant workers who are constantly on the move is a technical problem that also needs to be considered. Perhaps the federal government is in the best position to establish an unemployment compensation fund for seasonal farm workers. In 1970, Congress considered amendments to unemployment compensation laws which included a provision for unemployment compensation for agricultural workers. 2/ This provision was adopted by one house but deleted by the conference committee.

In any event, stabilization of earnings is a key factor in improving the economic status of seasonal farm workers.

1/ Section 31-222 (5), General Statutes of Connecticut. Section 561 (2), Labor Law; McKinney's Consolidated Laws of New York Annotated, Section 52-01-01 (17); and Section 52-05-03, North Dakota Century Code Annotated.

2/ See H.R. 14705, 91st Congress, 1st Session, 1970.